



Transportation & Economic Development Appropriations Committee

**Thursday, February 23, 2006
9:30 a.m. - 5:00 p.m.
Reed Hall (102)**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

Transportation & Economic Development Appropriations Committee

Start Date and Time: Thursday, February 23, 2006 09:30 am

End Date and Time: Thursday, February 23, 2006 05:00 pm

Location: Reed Hall (102 HOB)

Duration: 7.50 hrs

Consideration of the following bill(s):

HB 187 CS Lawful Testing for Alcohol, Chemical Substances, or Controlled Substances by Porth

HB 267 CS Driver License Services by Bogdanoff

HB 375 CS Motor Vehicle Registration by Barreiro

HB 385 CS Specialty License Plates by Jordan

Presentation by the Agency for Workforce Innovation - Update on School Readiness and VPK Programs

Presentation by Enterprise Florida

Presentation by Florida Housing Finance Corporation

Budget Workshop

NOTICE FINALIZED on 02/10/2006 15:42 by SLB



Florida House of Representatives

Fiscal Council

Committee on Transportation & Economic Development Appropriations

Allan G. Bense
Speaker

Don Davis
Chair

AGENDA

Transportation & Economic Development Appropriations

Thursday, February 23, 2006

9:30 a.m. – 5:00 p.m.

Reed Hall (102 EL)

I. Meeting Call to Order

II. Opening remarks by Chairman Davis

III. Consideration of the following Bill(s):

- ✓ **HB 187 CS Lawful Testing for Alcohol, Chemical Substances, or controlled Substances by Porth**
- ✓ **HB 267 CS Driver License Services By Bogdanoff**
- ✓ **HB 375 CS Motor Vehicle Registration by Barreiro**
- ✓ **HB 385 CS Specialty License Plates by Jordan**

IV. Presentations by the following:

- ✓ **Florida Housing Finance Corporation, Wellington Meffert, General Counsel**
- ✓ **Enterprise Florida, John Adams, Jr., President /CEO**
- ✓ **Agency for Workforce Innovation – Update on School Readiness and VPK Programs, Gladys Wilson, Deputy Director for the Office of Early Learning**
- ✓ **Budget Workshop**

V. Closing Remarks & Adjournment

HB 187 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 187 CS **Lawful Testing for Alcohol, Chemical Substances, or Controlled Substances**
SPONSOR(S): Porth and others
TIED BILLS: IDEN./SIM. BILLS: SB 232

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	6 Y, 0 N, w/CS	Kramer	Kramer
2) Transportation Committee	14 Y, 0 N	Rousseau	Miller
3) Transportation & Economic Development Appropriations Committee		McAuliffe	Gordon <i>AS</i>
4) Justice Council			
5)			

SUMMARY ANALYSIS

HB 187 increases the sanction for refusing to submit to a lawful test of breath, urine or blood when an officer has reasonable cause to believe that a person was driving under the influence. Currently, such a refusal is a misdemeanor only if the person's driving privilege has previously been suspended for a prior refusal to submit to such a test. As a result of the bill, a first refusal to submit to a breath, blood or urine test will subject a person to having their driving privilege suspended for a year (as under current law) and to possible imprisonment for up to one year in county jail. The bill makes a corresponding change to the relevant boating under the influence (BUI) statutes.

In order for a breath or blood test to be considered valid it must be performed substantially in accordance with methods approved by the Department of Law Enforcement and by an individual possessing a valid permit issued by the department. Upon the request of the person tested, the law requires that full information concerning the test taken at the direction of the law enforcement officer must be made available to the person or his or her attorney. The bill specifies what information must be provided and provides that full information does not include manual, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information will not include information in the possession of the manufacturer of the test instrument.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government / Safeguard Individual Liberty: The bill makes it a first degree misdemeanor for a person to refuse to submit to a lawful breath, urine or blood test in a DUI or BUI case.

Promote Personal Responsibility: The bill will provide for increased sanctions for refusal to submit to a lawful breath, urine or blood test in DUI and BUI cases.

B. EFFECT OF PROPOSED CHANGES:

DUI/BUI

The offense of driving under the influence¹ (DUI) is committed if a person is driving or in the actual physical control of a vehicle within the state and:

- The person is under the influence of alcoholic beverages, any chemical substance or any controlled substance when affected to the extent that the person's normal faculties are impaired;
- The person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or
- The person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.

The offense is punishable as follows²:

- For a first conviction, by a fine of not less than \$250 or more than \$500 and by imprisonment for not more than six months
- For a second conviction, by a fine of not less than \$500 or more than \$1000 and by imprisonment for not more than nine months. If the second conviction was for an offense committed within five years of the date of a prior conviction, the court must order imprisonment for not less than 10 days.³
- For a third conviction that is not within 10 years of a prior conviction, by a fine of not less than \$1000 or more than \$2500 and by imprisonment for not more than 12 months.

A third conviction that occurs within 10 years of a prior conviction is a third degree felony, punishable by no less than 30 days in jail⁴ and up to five years in prison and a fine of up to \$1000.⁵ A fourth conviction, regardless of when it occurs, is a third degree felony, punishable by up to five years in prison and a fine of not less than \$1000 or more than \$5000.⁶

Section 327.35, F.S. prohibits the offense of boating under the influence (BUI) which has the same elements (other than the substitution of the word "vessel" for "vehicle") as the offense of driving under the influence. The fine and imprisonment provisions in the BUI statute are identical to those in the DUI statute.

¹ s. 316.193(1), F.S.

² s. 316.193(2), F.S.

³ s. 316.193(6)(b), F.S.

⁴ s. 316.193(6)(c), F.S.

⁵ s. 316.193(2)(b), F.S.

⁶ Additionally, a person who has been convicted of DUI faces suspension of his or her driving privilege and may be required to place an ignition interlock device on his or her vehicle. Section 316.193 also increases sanctions for DUI which results in damage to the property or person of another, serious bodily injury or the death of another person. s. 316.193(3)(c), F.S.

Implied consent

Section 316.1932, F.S., sets forth what is commonly known as the implied consent law. Specifically, section 316.1932(1)(a)1, F.S. provides that:

Any person who accepts the privilege extended by the laws of this state of operating a motor vehicle within this state is, by so operating such vehicle, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic beverages.

Similarly, section 316.1932(1)(a)2, F.S. provides that a person who accepts the privilege of driving in the state is deemed to have consented to a urine test for the purpose of detecting the presence of a chemical substance or controlled substance. A breath or urine test must be incidental to a lawful arrest at the request of a law enforcement officer who has reasonable cause to believe the offender was driving under the influence.

A person is deemed to have given his or her consent to a blood test even if the person has not yet been arrested, if there is reasonable cause to believe the person was driving under the influence, if the person appears for treatment at a medical facility and if the administration of a breath or urine test is impractical or impossible.⁷

When an officer requests the breath, urine or blood test, the offender must be told that:

- Refusal to submit to the test will result in the suspension of the offender's driving privilege for one year.
- Refusal to submit to the test will result in the suspension of the offender's driving privilege for 18 months if the offender's driving privilege has previously been suspended for a refusal to submit.
- Refusal to submit to test is a misdemeanor if the offender's driving privilege has previously been previously suspended for a prior refusal to submit to a lawful test of his or her breath, urine, or blood.

According to the Department of Highway Safety & Motor Vehicles, there were 23,517 driver license suspensions in 2003 and 23,058 in 2004 for refusal to consent to a lawful test of breath, urine or blood.

Sanctions for refusing to comply

Prior to the 2002 legislative session, if a driver refused to submit to a breath, blood or urine test after an arrest for driving under the influence (DUI), their driving privilege would be suspended. The refusal to submit was not a criminal offense. During the 2002 session, the law was changed to make a refusal to submit to a breath, urine or blood test a first degree misdemeanor if the offender's driving privilege has previously been suspended for a refusal to submit.⁸

HB 187 amends s. 316.1939, F.S. to make it a first degree misdemeanor to refuse to consent to a lawful test of breath, urine or blood under the circumstances described above. Currently, such a refusal is a misdemeanor only if the person's driving privilege has previously been suspended for a refusal to submit to such a test. As a result, a first refusal to submit to a breath, blood or urine test will subject a person to having their driving privilege suspended for a year (as under current law) and to possible imprisonment for up to one year in county jail. The bill also amends s. 316.1932, F.S. to

⁷ s. 316.1932(1)(c), F.S. The refusal to submit to a breath, urine or blood test is admissible into evidence in any criminal proceeding. The result of any test pursuant to this section which indicates the presence of a controlled substance is not admissible in a trial for the possession of a controlled substance. s. 316.1932(2), F.S.

⁸ See 2002-263, Laws of Fla.

require that an officer inform a person that his or her refusal to submit to the test will be punishable as a misdemeanor. The bill makes a corresponding change to the relevant DUI statutes, ss. 327.352 and 327.359, F.S.

Full information

In order for a breath or blood test to be considered valid it must be performed substantially in accordance with methods approved by the Department of Law Enforcement and by an individual possessing a valid permit issued by the department.⁹ Upon the request of the person tested, full information concerning the test taken at the direction of the law enforcement officer must be made available to the person or his or her attorney.¹⁰

In State v. Muldowny, 871 So.2d 911 (Fla. 2005), the Fifth District Court of Appeal stated that because this section requires that full information be disclosed:

It must necessarily follow that when a person risks the loss of driving privileges or perhaps freedom based upon the use and operation of a particular machine, full information includes operating manuals, maintenance manuals and schematics in order to determine whether the machine actually used to determine the extent of a defendant's intoxication is the same unmodified model that was approved pursuant to statutory procedures. It seems to us that one should not have privileges and freedom jeopardized by the results of a mystical machine that is immune from discovery, that inhales breath samples and that produces a report specifying a degree of intoxication.

The state had argued that it did not have possession of the requested information and that it was trade secret. The DCA affirmed the trial court's ruling excluding the breath test results. This is the only reported decision on this issue. Trial courts around the state have been divided on the issue.

The bill provides that full information will be provided concerning the *results of the test taken* and provides that full information is limited to the following:

1. The type of test administered and the procedures followed;
2. The time of the collection of the blood or breath test sampled;
3. The numerical results of the test indicating the alcohol content of the blood and breath;
4. The type and status of any permit issued by the Department of Law Enforcement which was held by the person who performed the test; and
5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

The bill also provides that full information does not include manual, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the state. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

C. SECTION DIRECTORY:

Section 1. Amends s. 316.1932, F.S., relating to refusal to submit to a breath, urine or blood test.

Section 2. Amends s. 316.1939, F.S., removing prior suspension as a condition for commission of misdemeanor by refusal to submit to a breath, urine or blood test in DUI case.

Section 3. Amends s. 327.352, F.S., relating to refusal to submit to breath, urine or blood test in DUI cases.

⁹ ss. 316.1934(3) and 327.354(3), F.S.

¹⁰ s. 316.1932(1)(f)4, F.S.

Section 4. Amends s. 327.359, F.S., removing prior suspension as a condition for commission of misdemeanor by refusal to submit to a breath, urine or blood test in DUI case.

Section 5. Provides October 1, 2005 effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See D. Fiscal Comments.

2. Expenditures:

See D. Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

This bill will make a first refusal to submit to a lawful breath, urine or blood test a first degree misdemeanor. Currently, a person commits a misdemeanor in refusing to submit to a breath, urine or blood test only if the person's driving privilege had previously been suspended for a refusal to submit to a test. A first degree misdemeanor is punishable by up to a year in county jail. This may have an impact on county court caseloads and county jail populations. In recent years more than 20,000 drivers per year have refused to consent to the tests. The new law could reduce the number of first-time refusals, but how the proposed change would affect the number is unknown.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals refusing for the first time to submit to a lawful breath, urine or blood test of alcohol or of chemical or controlled substances would be subject to misdemeanor penalties.

D. FISCAL COMMENTS:

The Department of Highway Safety and Motor Vehicles reports that the bill will not have a fiscal impact on the department. The Criminal Justice Impact Conference has not estimated the bill's fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

As originally filed, the bill expanded the circumstances in which a law enforcement officer could require that a blood sample be taken in DUI and BUI cases. The Criminal Justice Committee amended the bill to remove this provision. The amendment also added the language relating to information that must be provided to a person who is the subject of a breath or blood test.

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CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2

3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to lawful testing for alcohol, chemical
7 substances, or controlled substances; amending s.

8 316.1932, F.S.; revising provisions to notify a person
9 that refusal to submit to a lawful test of the person's
10 breath, urine, or blood is a misdemeanor, to conform to
11 changes made by the act; limiting information to be made
12 available to a person tested to determine the amount of
13 alcohol in the person's blood or breath or the presence of
14 chemical substances or controlled substances; amending s.

15 316.1939, F.S.; removing prior suspension as a condition
16 for the commission of a misdemeanor by refusal to submit
17 to a lawful test of breath, urine, or blood; amending s.

18 327.352, F.S.; revising provisions to notify a person that
19 refusal to submit to a lawful test of the person's breath,
20 urine, or blood is a misdemeanor, to conform to changes
21 made by the act; limiting information to be made available
22 to a person tested to determine the amount of alcohol in
23 the person's blood or breath or the presence of chemical

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24 substances or controlled substances; amending s. 327.359,
25 F.S.; removing prior suspension as a condition for the
26 commission of a misdemeanor by refusal to submit to a
27 lawful test of breath, urine, or blood; providing an
28 effective date.

29

30 Be It Enacted by the Legislature of the State of Florida:

31

32 Section 1. Paragraphs (a), (c), and (f) of subsection (1)
33 of section 316.1932, Florida Statutes, are amended to read:

34 316.1932 Tests for alcohol, chemical substances, or
35 controlled substances; implied consent; refusal.--

36 (1) (a)1.a. Any person who accepts the privilege extended
37 by the laws of this state of operating a motor vehicle within
38 this state is, by so operating such vehicle, deemed to have
39 given his or her consent to submit to an approved chemical test
40 or physical test including, but not limited to, an infrared
41 light test of his or her breath for the purpose of determining
42 the alcoholic content of his or her blood or breath if the
43 person is lawfully arrested for any offense allegedly committed
44 while the person was driving or was in actual physical control
45 of a motor vehicle while under the influence of alcoholic
46 beverages. The chemical or physical breath test must be
47 incidental to a lawful arrest and administered at the request of
48 a law enforcement officer who has reasonable cause to believe
49 such person was driving or was in actual physical control of the
50 motor vehicle within this state while under the influence of
51 alcoholic beverages. The administration of a breath test does

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CODING: Words stricken are deletions; words underlined are additions.

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52 not preclude the administration of another type of test. The
53 person shall be told that his or her failure to submit to any
54 lawful test of his or her breath will result in the suspension
55 of the person's privilege to operate a motor vehicle for a
56 period of 1 year for a first refusal, or for a period of 18
57 months if the driving privilege of such person has been
58 previously suspended as a result of a refusal to submit to such
59 a test or tests, and shall also be told that if he or she
60 refuses to submit to a lawful test of his or her breath ~~and his~~
~~or her driving privilege has been previously suspended for a~~
~~prior refusal to submit to a lawful test of his or her breath,~~
~~urine, or blood,~~ he or she commits a misdemeanor in addition to
63 any other penalties. The refusal to submit to a chemical or
64 physical breath test upon the request of a law enforcement
65 officer as provided in this section is admissible into evidence
66 in any criminal proceeding.

68 b. Any person who accepts the privilege extended by the
69 laws of this state of operating a motor vehicle within this
70 state is, by so operating such vehicle, deemed to have given his
71 or her consent to submit to a urine test for the purpose of
72 detecting the presence of chemical substances as set forth in s.
73 877.111 or controlled substances if the person is lawfully
74 arrested for any offense allegedly committed while the person
75 was driving or was in actual physical control of a motor vehicle
76 while under the influence of chemical substances or controlled
77 substances. The urine test must be incidental to a lawful arrest
78 and administered at a detention facility or any other facility,
79 mobile or otherwise, which is equipped to administer such tests

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80 at the request of a law enforcement officer who has reasonable
81 cause to believe such person was driving or was in actual
82 physical control of a motor vehicle within this state while
83 under the influence of chemical substances or controlled
84 substances. The urine test shall be administered at a detention
85 facility or any other facility, mobile or otherwise, which is
86 equipped to administer such test in a reasonable manner that
87 will ensure the accuracy of the specimen and maintain the
88 privacy of the individual involved. The administration of a
89 urine test does not preclude the administration of another type
90 of test. The person shall be told that his or her failure to
91 submit to any lawful test of his or her urine will result in the
92 suspension of the person's privilege to operate a motor vehicle
93 for a period of 1 year for the first refusal, or for a period of
94 18 months if the driving privilege of such person has been
95 previously suspended as a result of a refusal to submit to such
96 a test or tests, and shall also be told that if he or she
97 refuses to submit to a lawful test of his or her urine ~~and his~~
~~or her driving privilege has been previously suspended for a~~
~~prior refusal to submit to a lawful test of his or her breath,~~
98 ~~urine, or blood,~~ he or she commits a misdemeanor in addition to
99 any other penalties. The refusal to submit to a urine test upon
100 the request of a law enforcement officer as provided in this
101 section is admissible into evidence in any criminal proceeding.
102

103 2. The Alcohol Testing Program within the Department of
104 Law Enforcement is responsible for the regulation of the
105 operation, inspection, and registration of breath test
106 instruments utilized under the driving and boating under the

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108 influence provisions and related provisions located in this
109 chapter and chapters 322 and 327. The program is responsible for
110 the regulation of the individuals who operate, inspect, and
111 instruct on the breath test instruments utilized in the driving
112 and boating under the influence provisions and related
113 provisions located in this chapter and chapters 322 and 327. The
114 program is further responsible for the regulation of blood
115 analysts who conduct blood testing to be utilized under the
116 driving and boating under the influence provisions and related
117 provisions located in this chapter and chapters 322 and 327. The
118 program shall:

119 a. Establish uniform criteria for the issuance of permits
120 to breath test operators, agency inspectors, instructors, blood
121 analysts, and instruments.

122 b. Have the authority to permit breath test operators,
123 agency inspectors, instructors, blood analysts, and instruments.

124 c. Have the authority to discipline and suspend, revoke,
125 or renew the permits of breath test operators, agency
126 inspectors, instructors, blood analysts, and instruments.

127 d. Establish uniform requirements for instruction and
128 curricula for the operation and inspection of approved
129 instruments.

130 e. Have the authority to specify one approved curriculum
131 for the operation and inspection of approved instruments.

132 f. Establish a procedure for the approval of breath test
133 operator and agency inspector classes.

134 g. Have the authority to approve or disapprove breath test
135 instruments and accompanying paraphernalia for use pursuant to

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136 the driving and boating under the influence provisions and
137 related provisions located in this chapter and chapters 322 and
138 327.

139 h. With the approval of the executive director of the
140 Department of Law Enforcement, make and enter into contracts and
141 agreements with other agencies, organizations, associations,
142 corporations, individuals, or federal agencies as are necessary,
143 expedient, or incidental to the performance of duties.

144 i. Issue final orders which include findings of fact and
145 conclusions of law and which constitute final agency action for
146 the purpose of chapter 120.

147 j. Enforce compliance with the provisions of this section
148 through civil or administrative proceedings.

149 k. Make recommendations concerning any matter within the
150 purview of this section, this chapter, chapter 322, or chapter
151 327.

152 l. Promulgate rules for the administration and
153 implementation of this section, including definitions of terms.

154 m. Consult and cooperate with other entities for the
155 purpose of implementing the mandates of this section.

156 n. Have the authority to approve the type of blood test
157 utilized under the driving and boating under the influence
158 provisions and related provisions located in this chapter and
159 chapters 322 and 327.

160 o. Have the authority to specify techniques and methods
161 for breath alcohol testing and blood testing utilized under the
162 driving and boating under the influence provisions and related
163 provisions located in this chapter and chapters 322 and 327.

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164 p. Have the authority to approve repair facilities for the
165 approved breath test instruments, including the authority to set
166 criteria for approval.

167

168 Nothing in this section shall be construed to supersede
169 provisions in this chapter and chapters 322 and 327. The
170 specifications in this section are derived from the power and
171 authority previously and currently possessed by the Department
172 of Law Enforcement and are enumerated to conform with the
173 mandates of chapter 99-379, Laws of Florida.

174 (c) Any person who accepts the privilege extended by the
175 laws of this state of operating a motor vehicle within this
176 state is, by operating such vehicle, deemed to have given his or
177 her consent to submit to an approved blood test for the purpose
178 of determining the alcoholic content of the blood or a blood
179 test for the purpose of determining the presence of chemical
180 substances or controlled substances as provided in this section
181 if there is reasonable cause to believe the person was driving
182 or in actual physical control of a motor vehicle while under the
183 influence of alcoholic beverages or chemical or controlled
184 substances and the person appears for treatment at a hospital,
185 clinic, or other medical facility and the administration of a
186 breath or urine test is impractical or impossible. As used in
187 this paragraph, the term "other medical facility" includes an
188 ambulance or other medical emergency vehicle. The blood test
189 shall be performed in a reasonable manner. Any person who is
190 incapable of refusal by reason of unconsciousness or other
191 mental or physical condition is deemed not to have withdrawn his

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192 or her consent to such test. A blood test may be administered
193 whether or not the person is told that his or her failure to
194 submit to such a blood test will result in the suspension of the
195 person's privilege to operate a motor vehicle upon the public
196 highways of this state and that a refusal to submit to a lawful
197 test of his or her blood, ~~if his or her driving privilege has~~
198 ~~been previously suspended for refusal to submit to a lawful test~~
199 ~~of his or her breath, urine, or blood,~~ is a misdemeanor. Any
200 person who is capable of refusal shall be told that his or her
201 failure to submit to such a blood test will result in the
202 suspension of the person's privilege to operate a motor vehicle
203 for a period of 1 year for a first refusal, or for a period of
204 18 months if the driving privilege of the person has been
205 suspended previously as a result of a refusal to submit to such
206 a test or tests, and that a refusal to submit to a lawful test
207 of his or her blood, ~~if his or her driving privilege has been~~
208 ~~previously suspended for a prior refusal to submit to a lawful~~
209 ~~test of his or her breath, urine, or blood,~~ is a misdemeanor.
210 The refusal to submit to a blood test upon the request of a law
211 enforcement officer is admissible in evidence in any criminal
212 proceeding.

213 (f)1. The tests determining the weight of alcohol in the
214 defendant's blood or breath shall be administered at the request
215 of a law enforcement officer substantially in accordance with
216 rules of the Department of Law Enforcement. Such rules must
217 specify precisely the test or tests that are approved by the
218 Department of Law Enforcement for reliability of result and ease
219 of administration, and must provide an approved method of

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220 administration which must be followed in all such tests given
221 under this section. However, the failure of a law enforcement
222 officer to request the withdrawal of blood does not affect the
223 admissibility of a test of blood withdrawn for medical purposes.

224 2.a. Only a physician, certified paramedic, registered
225 nurse, licensed practical nurse, other personnel authorized by a
226 hospital to draw blood, or duly licensed clinical laboratory
227 director, supervisor, technologist, or technician, acting at the
228 request of a law enforcement officer, may withdraw blood for the
229 purpose of determining its alcoholic content or the presence of
230 chemical substances or controlled substances therein. However,
231 the failure of a law enforcement officer to request the
232 withdrawal of blood does not affect the admissibility of a test
233 of blood withdrawn for medical purposes.

234 b. Notwithstanding any provision of law pertaining to the
235 confidentiality of hospital records or other medical records, if
236 a health care provider, who is providing medical care in a
237 health care facility to a person injured in a motor vehicle
238 crash, becomes aware, as a result of any blood test performed in
239 the course of that medical treatment, that the person's blood-
240 alcohol level meets or exceeds the blood-alcohol level specified
241 in s. 316.193(1)(b), the health care provider may notify any law
242 enforcement officer or law enforcement agency. Any such notice
243 must be given within a reasonable time after the health care
244 provider receives the test result. Any such notice shall be used
245 only for the purpose of providing the law enforcement officer
246 with reasonable cause to request the withdrawal of a blood
247 sample pursuant to this section.

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248 c. The notice shall consist only of the name of the person
249 being treated, the name of the person who drew the blood, the
250 blood-alcohol level indicated by the test, and the date and time
251 of the administration of the test.

252 d. Nothing contained in s. 395.3025(4), s. 456.057, or any
253 applicable practice act affects the authority to provide notice
254 under this section, and the health care provider is not
255 considered to have breached any duty owed to the person under s.
256 395.3025(4), s. 456.057, or any applicable practice act by
257 providing notice or failing to provide notice. It shall not be a
258 breach of any ethical, moral, or legal duty for a health care
259 provider to provide notice or fail to provide notice.

260 e. A civil, criminal, or administrative action may not be
261 brought against any person or health care provider participating
262 in good faith in the provision of notice or failure to provide
263 notice as provided in this section. Any person or health care
264 provider participating in the provision of notice or failure to
265 provide notice as provided in this section shall be immune from
266 any civil or criminal liability and from any professional
267 disciplinary action with respect to the provision of notice or
268 failure to provide notice under this section. Any such
269 participant has the same immunity with respect to participating
270 in any judicial proceedings resulting from the notice or failure
271 to provide notice.

272 3. The person tested may, at his or her own expense, have
273 a physician, registered nurse, other personnel authorized by a
274 hospital to draw blood, or duly licensed clinical laboratory
275 director, supervisor, technologist, or technician, or other

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276 person of his or her own choosing administer an independent test
277 in addition to the test administered at the direction of the law
278 enforcement officer for the purpose of determining the amount of
279 alcohol in the person's blood or breath or the presence of
280 chemical substances or controlled substances at the time
281 alleged, as shown by chemical analysis of his or her blood or
282 urine, or by chemical or physical test of his or her breath. The
283 failure or inability to obtain an independent test by a person
284 does not preclude the admissibility in evidence of the test
285 taken at the direction of the law enforcement officer. The law
286 enforcement officer shall not interfere with the person's
287 opportunity to obtain the independent test and shall provide the
288 person with timely telephone access to secure the test, but the
289 burden is on the person to arrange and secure the test at the
290 person's own expense.

291 4. Upon the request of the person tested, full information
292 concerning the results of the test taken at the direction of the
293 law enforcement officer shall be made available to the person or
294 his or her attorney. Full information is limited to the
295 following:

296 a. The type of test administered and the procedures
297 followed.

298 b. The time of the collection of the blood or breath
299 sample analyzed.

300 c. The numerical results of the test indicating the
301 alcohol content of the blood and breath.

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302 d. The type and status of any permit issued by the
303 Department of Law Enforcement which was held by the person who
304 performed the test.

305 e. If the test was administered by means of a breath
306 testing instrument, the date of performance of the most recent
307 required maintenance of such instrument.

309 Full information does not include manuals, schematics, or
310 software of the instrument used to test the person or any other
311 material that is not in the actual possession of the state.
312 Additionally, full information does not include information in
313 the possession of the manufacturer of the test instrument.

314 5. A hospital, clinical laboratory, medical clinic, or
315 similar medical institution or physician, certified paramedic,
316 registered nurse, licensed practical nurse, other personnel
317 authorized by a hospital to draw blood, or duly licensed
318 clinical laboratory director, supervisor, technologist, or
319 technician, or other person assisting a law enforcement officer
320 does not incur any civil or criminal liability as a result of
321 the withdrawal or analysis of a blood or urine specimen, or the
322 chemical or physical test of a person's breath pursuant to
323 accepted medical standards when requested by a law enforcement
324 officer, regardless of whether or not the subject resisted
325 administration of the test.

326 Section 2. Section 316.1939, Florida Statutes, is amended
327 to read:

328 316.1939 Refusal to submit to testing; penalties.--

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329 (1) Any person who has refused to submit to a chemical or
330 physical test of his or her breath, blood, or urine, as
331 described in s. 316.1932, ~~and whose driving privilege was~~
332 ~~previously suspended for a prior refusal to submit to a lawful~~
333 ~~test of his or her breath, urine, or blood,~~ and:

334 (a) Who the arresting law enforcement officer had probable
335 cause to believe was driving or in actual physical control of a
336 motor vehicle in this state while under the influence of
337 alcoholic beverages, chemical substances, or controlled
338 substances;

339 (b) Who was placed under lawful arrest for a violation of
340 s. 316.193 unless such test was requested pursuant to s.
341 316.1932(1)(c);

342 (c) Who was informed that, if he or she refused to submit
343 to such test, his or her privilege to operate a motor vehicle
344 would be suspended for a period of 1 year or, in the case of a
345 second or subsequent refusal, for a period of 18 months;

346 (d) Who was informed that a refusal to submit to a lawful
347 test of his or her breath, urine, or blood, ~~if his or her~~
348 ~~driving privilege has been previously suspended for a prior~~
349 ~~refusal to submit to a lawful test of his or her breath, urine,~~
350 ~~or blood,~~ is a misdemeanor; and

351 (e) Who, after having been so informed, refused to submit
352 to any such test when requested to do so by a law enforcement
353 officer or correctional officer,

354
355 commits a misdemeanor of the first degree, punishable and is
356 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

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357 (2) The disposition of any administrative proceeding that
358 relates to the suspension of a person's driving privilege does
359 not affect a criminal action under this section.

360 (3) The disposition of a criminal action under this
361 section does not affect any administrative proceeding that
362 relates to the suspension of a person's driving privilege. ~~The department's records showing that a person's license has been~~
~~previously suspended for a prior refusal to submit to a lawful~~
~~test of his or her breath, urine, or blood shall be admissible~~
~~and shall create a rebuttable presumption of such suspension.~~

367 Section 3. Paragraphs (a), (c), and (e) of subsection (1)
368 of section 327.352, Florida Statutes, are amended to read:

369 327.352 Tests for alcohol, chemical substances, or
370 controlled substances; implied consent; refusal.--

371 (1) (a)1. The Legislature declares that the operation of a
372 vessel is a privilege that must be exercised in a reasonable
373 manner. In order to protect the public health and safety, it is
374 essential that a lawful and effective means of reducing the
375 incidence of boating while impaired or intoxicated be
376 established. Therefore, any person who accepts the privilege
377 extended by the laws of this state of operating a vessel within
378 this state is, by so operating such vessel, deemed to have given
379 his or her consent to submit to an approved chemical test or
380 physical test including, but not limited to, an infrared light
381 test of his or her breath for the purpose of determining the
382 alcoholic content of his or her blood or breath if the person is
383 lawfully arrested for any offense allegedly committed while the
384 person was operating a vessel while under the influence of

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385 alcoholic beverages. The chemical or physical breath test must
386 be incidental to a lawful arrest and administered at the request
387 of a law enforcement officer who has reasonable cause to believe
388 such person was operating the vessel within this state while
389 under the influence of alcoholic beverages. The administration
390 of a breath test does not preclude the administration of another
391 type of test. The person shall be told that his or her failure
392 to submit to any lawful test of his or her breath will result in
393 a civil penalty of \$500-, and shall also be told that if he or
394 she refuses to submit to a lawful test of his or her breath ~~and~~
395 ~~he or she has been previously fined for refusal to submit to any~~
396 ~~lawful test of his or her breath, urine, or blood,~~ he or she
397 commits a misdemeanor in addition to any other penalties. The
398 refusal to submit to a chemical or physical breath test upon the
399 request of a law enforcement officer as provided in this section
400 is admissible into evidence in any criminal proceeding.

401 2. Any person who accepts the privilege extended by the
402 laws of this state of operating a vessel within this state is,
403 by so operating such vessel, deemed to have given his or her
404 consent to submit to a urine test for the purpose of detecting
405 the presence of chemical substances as set forth in s. 877.111
406 or controlled substances if the person is lawfully arrested for
407 any offense allegedly committed while the person was operating a
408 vessel while under the influence of chemical substances or
409 controlled substances. The urine test must be incidental to a
410 lawful arrest and administered at a detention facility or any
411 other facility, mobile or otherwise, which is equipped to
412 administer such tests at the request of a law enforcement

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413 officer who has reasonable cause to believe such person was
414 operating a vessel within this state while under the influence
415 of chemical substances or controlled substances. The urine test
416 shall be administered at a detention facility or any other
417 facility, mobile or otherwise, which is equipped to administer
418 such test in a reasonable manner that will ensure the accuracy
419 of the specimen and maintain the privacy of the individual
420 involved. The administration of a urine test does not preclude
421 the administration of another type of test. The person shall be
422 told that his or her failure to submit to any lawful test of his
423 or her urine will result in a civil penalty of \$500~~,~~ and shall
424 also be told that if he or she refuses to submit to a lawful
425 test of his or her urine ~~and he or she has been previously fined~~
~~for refusal to submit to any lawful test of his or her breath,~~
426 ~~urine, or blood,~~ he or she commits a misdemeanor in addition to
427 any other penalties. The refusal to submit to a urine test upon
428 the request of a law enforcement officer as provided in this
429 section is admissible into evidence in any criminal proceeding.

431 (c) Any person who accepts the privilege extended by the
432 laws of this state of operating a vessel within this state is,
433 by operating such vessel, deemed to have given his or her
434 consent to submit to an approved blood test for the purpose of
435 determining the alcoholic content of the blood or a blood test
436 for the purpose of determining the presence of chemical
437 substances or controlled substances as provided in this section
438 if there is reasonable cause to believe the person was operating
439 a vessel while under the influence of alcoholic beverages or
440 chemical or controlled substances and the person appears for

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441 treatment at a hospital, clinic, or other medical facility and
442 the administration of a breath or urine test is impractical or
443 impossible. As used in this paragraph, the term "other medical
444 facility" includes an ambulance or other medical emergency
445 vehicle. The blood test shall be performed in a reasonable
446 manner. Any person who is incapable of refusal by reason of
447 unconsciousness or other mental or physical condition is deemed
448 not to have withdrawn his or her consent to such test. Any
449 person who is capable of refusal shall be told that his or her
450 failure to submit to such a blood test will result in a civil
451 penalty of \$500 and that a refusal to submit to a lawful test of
452 his or her blood, ~~if he or she has previously been fined for~~
~~refusal to submit to any lawful test of his or her breath,~~
~~urine, or blood,~~ is a misdemeanor. The refusal to submit to a
454 blood test upon the request of a law enforcement officer shall
455 be admissible in evidence in any criminal proceeding.

456
457 (e)1. The tests determining the weight of alcohol in the
458 defendant's blood or breath shall be administered at the request
459 of a law enforcement officer substantially in accordance with
460 rules of the Department of Law Enforcement. However, the failure
461 of a law enforcement officer to request the withdrawal of blood
462 does not affect the admissibility of a test of blood withdrawn
463 for medical purposes.

464 2. Only a physician, certified paramedic, registered
465 nurse, licensed practical nurse, other personnel authorized by a
466 hospital to draw blood, or duly licensed clinical laboratory
467 director, supervisor, technologist, or technician, acting at the
468 request of a law enforcement officer, may withdraw blood for the

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469 purpose of determining its alcoholic content or the presence of
470 chemical substances or controlled substances therein. However,
471 the failure of a law enforcement officer to request the
472 withdrawal of blood does not affect the admissibility of a test
473 of blood withdrawn for medical purposes.

474 3. The person tested may, at his or her own expense, have
475 a physician, registered nurse, other personnel authorized by a
476 hospital to draw blood, or duly licensed clinical laboratory
477 director, supervisor, technologist, or technician, or other
478 person of his or her own choosing administer an independent test
479 in addition to the test administered at the direction of the law
480 enforcement officer for the purpose of determining the amount of
481 alcohol in the person's blood or breath or the presence of
482 chemical substances or controlled substances at the time
483 alleged, as shown by chemical analysis of his or her blood or
484 urine, or by chemical or physical test of his or her breath. The
485 failure or inability to obtain an independent test by a person
486 does not preclude the admissibility in evidence of the test
487 taken at the direction of the law enforcement officer. The law
488 enforcement officer shall not interfere with the person's
489 opportunity to obtain the independent test and shall provide the
490 person with timely telephone access to secure the test, but the
491 burden is on the person to arrange and secure the test at the
492 person's own expense.

493 4. Upon the request of the person tested, full information
494 concerning the results of the test taken at the direction of the
495 law enforcement officer shall be made available to the person or

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496 his or her attorney. Full information is limited to the
497 following:

498 a. The type of test administered and the procedures
499 followed.

500 b. The time of the collection of the blood or breath
501 sample analyzed.

502 c. The numerical results of the test indicating the
503 alcohol content of the blood and breath.

504 d. The type and status of any permit issued by the
505 Department of Law Enforcement which was held by the person who
506 performed the test.

507 e. If the test was administered by means of a breath
508 testing instrument, the date of performance of the most recent
509 required maintenance of such instrument.

510
511 Full information does not include manuals, schematics, or
512 software of the instrument used to test the person or any other
513 material that is not in the actual possession of the state.
514 Additionally, full information does not include information in
515 the possession of the manufacturer of the test instrument.

516 5. A hospital, clinical laboratory, medical clinic, or
517 similar medical institution or physician, certified paramedic,
518 registered nurse, licensed practical nurse, other personnel
519 authorized by a hospital to draw blood, or duly licensed
520 clinical laboratory director, supervisor, technologist, or
521 technician, or other person assisting a law enforcement officer
522 does not incur any civil or criminal liability as a result of
523 the withdrawal or analysis of a blood or urine specimen, or the

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524 chemical or physical test of a person's breath pursuant to
525 accepted medical standards when requested by a law enforcement
526 officer, regardless of whether or not the subject resisted
527 administration of the test.

528 Section 4. Section 327.359, Florida Statutes, is amended
529 to read:

530 327.359 Refusal to submit to testing; penalties.--Any
531 person who has refused to submit to a chemical or physical test
532 of his or her breath, blood, or urine, as described in s.

533 327.352, ~~and who has been previously fined for refusal to submit~~
534 ~~to a lawful test of his or her breath, urine, or blood,~~ and:

535 (1) Who the arresting law enforcement officer had probable
536 cause to believe was operating or in actual physical control of
537 a vessel in this state while under the influence of alcoholic
538 beverages, chemical substances, or controlled substances;

539 (2) Who was placed under lawful arrest for a violation of
540 s. 327.35 unless such test was requested pursuant to s.

541 327.352(1)(c);

542 (3) Who was informed that if he or she refused to submit
543 to such test he or she is subject to a fine of \$500;

544 (4) Who was informed that a refusal to submit to a lawful
545 test of his or her breath, urine, or blood, ~~if he or she has~~
546 ~~been previously fined for refusal to submit to a lawful test of~~
547 ~~his or her breath, urine, or blood,~~ is a misdemeanor; and

548 (5) Who, after having been so informed, refused to submit
549 to any such test when requested to do so by a law enforcement
550 officer or correctional officer,

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552 commits a misdemeanor of the first degree, punishable and is
553 ~~subject to punishment~~ as provided in s. 775.082 or s. 775.083.

554 Section 5. This act shall take effect October 1, 2006.

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 267 CS
SPONSOR(S): Bogdanoff
TIED BILLS:

Driver License Services
IDEN./SIM. BILLS: SB 268

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	11 Y, 1 N, w/CS	Thompson	Miller
2) Local Government Council	7 Y, 0 N	Smith	Hamby
3) Transportation & Economic Development Appropriations Committee		McAuliffe <i>M</i>	Gordon <i>AS</i>
4) State Infrastructure Council			
5)			

SUMMARY ANALYSIS

HB 267 W/CS requires the Department of Highway Safety and Motor Vehicles (DHSMV) to study the outsourcing of driver's licensing services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services. The bill requires DHSMV to present their recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007. The study must provide the following:

- A detailed description of services to be outsourced and a description of the department's current performance of the service;
- A cost-benefit analysis including a detailed plan and implementation timeline;
- A statement of the potential effect on applicable revenues and expenditures;
- A public-records compliance plan; and
- A transition and implementation plan addressing personnel issues and performance standards.

This bill also expands current law to allow DHSMV to use county constitutional officers, other than tax collectors, as driver license service agents in those counties where the tax collector is not elected or where the tax collector does not provide the services.

This bill will have no fiscal impact on the department and will take effect upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0267d.TEDA.doc
DATE: 2/9/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – This bill requires DHSMV to study the out-sourcing of driver's licensing services to a provider or other governmental agency. This bill also authorizes DHSMV's to contract with other county constitutional officers for driver license services in certain counties.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 322, F.S., provides for laws related to Drivers' Licenses. The DHSMV's Division of Driver Licenses, Driver License Program administers driver license-related activities, which are intended to increase consumer protection and promote public safety by licensing only those drivers who demonstrate the necessary knowledge, skills, and abilities to operate motor vehicles on Florida's roads; controlling and improving problem drivers by suspending and revoking the licenses of drivers who abuse their driving privileges; monitoring drivers to ensure they carry the required insurance to be financially responsible for their actions; and maintaining driver history records. According to DHSMV, there were an estimated 15,483,582 licensed Florida drivers in fiscal year 2004-2005. The DHSMV estimates in fiscal year 2005-2006 there are an estimated 15,888,511 licensed Florida drivers and 7,780,552 applicants to be processed in field offices.

Driver license-related activities are divided into 4 service categories: (1) Driver Licensure Service Category which provides licensing services including issuing driver licenses and identification cards; answering customer inquiries over the telephone and Internet; maintaining comprehensive driver history; and maintaining the statewide traffic citation system; (2) Motorists Financial Responsibility Compliance Service Category which is responsible for ensuring licensed drivers comply with Florida automobile insurance laws and requirements to carry Personal Injury Protection (PIP) and Property Damage Liability (PDL) insurance coverage, and Bodily Injury Liability coverage if required; (3) Identification and Control of Problem Drivers Service Category which is responsible for identifying and controlling problem drivers through suspending, revoking, disqualifying, and canceling driving privileges, conducting administrative reviews for issuance of limited restricted licenses for offenders, and approving course curriculum and evaluating driver improvement-related course programs; and (4) Executive Direction and Support Services Service Category which administers general business functions, provides leadership and direction, and supports all driver license-related activities.

There are seven state bureaus responsible for activities that support the acquisition or suspension of driving privileges. The Driver License Program consists of the following Bureaus:

- The Bureau of Field Operations. There are three field operations bureaus (North Field Operations, Central Field Operations, and South Field Operations) that include 158 state and local county tax collector offices that issue driver licenses and identification cards. The tax collector offices function as licensing agents of the Department of Highway Safety and Motor Vehicles. Staff administers knowledge, skill, and visual examinations to determine driver qualification, process forms that show proof a person has obtained motor vehicle insurance, and provide a process for designating on the license application contribution to five charitable organizations (Election Campaign, Organ donor, Prevent Blindness Florida, and Florida Council on Blindness).
- The Bureau of Customer Service. The bureau assists customers in the interpretation of motor vehicle laws and requirements. It provides telephone access for all citizens, and it analyzes and resolves all inquiries regarding driving activities.

- The Bureau of Records. This bureau provides documentation of all driver license activities which include issuance, suspension, revocation, cancellation, reinstatement, renewal, replacement, and processing all traffic citations. It controls all information recorded on individual driver history records and ensures public access to these records.
- The Bureau of Financial Responsibility. The bureau suspends driving privileges for non-compliance with appropriate laws, verifies insurance coverage through review of documents submitted by drivers, reinstates suspended driving privileges upon compliance, and updates driving history records.
- The Bureau of Driver Improvement. This bureau is divided into two sections, the Driver Services Section and Medical Section. The bureau suspends, revokes, and cancels licenses for violation of motor vehicle laws, fraudulent activity, medical reasons, and inadequate vision.
- The Bureau of Administrative Review. This bureau has 33 field offices located throughout the state. Hearing officers schedule and conduct driver license administrative hearings involving hardship license reinstatements, records review, post-suspension formal and informal reviews, medical competency and financial responsibility reviews, and special driver examinations.
- The Bureau of Driver Education and DUI Programs. The bureau's activities cover licensing commercial drivers, motorcycle safety, and driver improvement schools; approving instructor credentials; approving and evaluating curriculum; inspecting and approving DUI and motorcycle rider schools; and conducting research on improving current and developing future education methods.

DHSMV issues driver licenses through local driver license examination offices. Four different classes of driver licenses are issued:

- Class A, B, and C licenses are for drivers of commercial motor vehicles such as large trucks and buses. A commercial vehicle is defined as a motor vehicle weighing 26,001 pounds or more, designed to transport 16 or more persons, or carry hazardous materials.
- Class E licenses are for drivers of non-commercial vehicles and those who are exempt by law from obtaining a commercial driver license.

Driver License Services – County Tax Collectors

Section 322.135, F.S., allows DHSMV upon application, to authorize the tax collectors in the state to serve as its agent for the provision of specified driver's license services. These services include new licenses, renewals, duplicates, learner's permits, and identification cards. Each tax collector who is authorized by the department to provide driver's license services is to bear all costs associated with providing those services. A fee of \$5.25 is charged, in addition to any other fees, for any driver's license issued or renewed by a tax collector. Currently, 28 county tax collectors are providing driver license services at 59 locations.

Driver License Services – Current Outsourcing Contracts

Additionally, DHSMV outsources commercial driver skills testing, contracting with approximately 450 third party testers to conduct commercial driver license (CDL) skills tests. The DHSMV also contracts with private organizations and community and technical colleges to provide motorcycle safety courses and skills tests. Furthermore, the DHSMV contracts with schools to conduct driver education and testing for the Driver Education Licensing Assistance Program; contracts with a private vendor to provide driver license equipment, software and human resources to produce centrally issued driver licenses and identification cards; and is conducting a pilot project by contracting with providers of on-line courses of traffic law and substance abuse education to conduct Florida Class E (operator) driver license knowledge tests.

Proposed Changes

This bill requires DHSMV to study the outsourcing of driver's licensing services and present recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007. The bill defines the term "outsourcing" to mean the process of contracting with an external service provider or other governmental agency to provide a service, in whole or in part, while the department retains the responsibility and accountability for the service.

This CS provides requirements for DHSMV with respect to issues to be included in the study. Specifically, as part of the study, DHSMV must provide a description of the services to be outsourced and must consider, but need not be limited to, the following issues:

- A detailed description of services to be outsourced;
- A cost benefit analysis of direct and indirect costs or savings with a detailed plan and timeline for implementation of actions to ensure the desired benefits are achieved;
- A statement of potential effect on federal, state and local revenues and expenditures and the possible direct or indirect impact on federal funding and cost allocations;
- A plan to ensure compliance with public-records law; and
- A plan for the transition and implementation which addresses the changes in the number of the department's personnel and related transition issues and business processes, including the department's plan to resume the operation of the service should the contractor fail to perform within performance standards and provisions of the contract and identifying the full-time equivalent positions and resources subject to outsourcing.

This bill also amends s. 322.135, F.S., to allow DHSMV to use county constitutional officers, other than tax collectors, as driver license service agents in those counties where the tax collector is not elected or where the tax collector does not provide the services. These other constitutional officers would have the same powers and duties as tax collectors (including collection of the \$5.25 service charge) when acting as DHSMV's driver license agents. This change will increase the department's options for providing driver licensing services in certain counties. According to DHSMV, currently there are two counties (Broward and Calhoun) in which there are discussions regarding using constitutional officers other than tax collectors as driver's license agents.

The tax collector is an elected constitutional officer in 64 counties. In the following counties, the tax collector is appointed by the county commission: Miami-Dade, Broward and Volusia.

C. SECTION DIRECTORY:

- Section 1.** Directs DHSMV to study outsourcing its driver licensing services; requires DHSMV to submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives by January 1, 2007; provides issues to be studied; and requires a cost-benefit analysis and a transition and implementation plan.
- Section 2.** Amends subsection (2) of s. 318.15, F.S., providing for certain elected county officials used by DHSMV as driver licensing agents to collect a drivers license suspension clearance service charge.
- Section 3.** Amends subsection (1) of s. 322.02, F.S., providing legislative intent for certain elected county officials to be used by DHSMV as driver licensing agents.
- Section 4.** Amends subsection (10) of s. 322.135, F.S., providing for certain elected county officials to be used by DHSMV as driver licensing agents.
- Section 5.** Provides that the bill will take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DHSMV has indicated that the study and report required by this bill can be performed with existing department resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector.

D. FISCAL COMMENTS:

The Driver License Program (Division of Driver Licenses) is funded from driver license fees that the Driver License Program collects and from general revenue. In fiscal year 2005-06, the Driver License Program has a budget of \$83.6 million with 1,317 authorized positions. In fiscal year 2004-05 the Driver Licenses Program collected about \$186 million from driver license fees and from other driver license related revenues. The Division currently operates 100 field offices distributed throughout the state. Almost 1,000 of the Division's positions are assigned to field operations.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Federal Motor Carrier Safety Administration rules and regulations prohibit States from allowing third parties to administer commercial driver license (CDL) knowledge exams and, therefore, this area could not be contracted out by DHSMV.

According to DHSMV, certain types of privatized driver license testing, such as commercial vehicles skills tests that require special equipment, may save enough public expense to justify the investment of rigorous oversight needed to offset the risk of fraud. However, DHSMV has detected several major

cases and numerous lesser instances of fraud in the course of monitoring privatized driver license testing. In instances of fraudulent CDL activity, DHSMV has decertified contracts with third party testers and recalled the drivers to state facilities for retesting.

DHSMV stated that a three-year pilot project for outsourcing of the Class D and E driver license testing began in the spring of 2000. The project involved seven third party administrators (TPAs) throughout the State. The department's final evaluation of this project revealed tendencies toward less rigorous testing, with a need for strong oversight. Many issues were found involving record keeping and road test performance. The monitors experienced difficulty accessing customer files and viewing the performance of testers. A review showed that in all cases, the conviction, crash and insurance suspension rates were significantly higher for customers who went to a TPA than for those individuals who tested at a driver license office.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On December 6, 2005 the Committee on Transportation amended HB 267 to provide for DHSMV to use county constitutional officers, other than tax collectors, as driver license service agents in those counties where the tax collector is not elected or where the tax collector does not provide the services. The committee then voted 11-1 to report the bill favorably with committee substitute.

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CHAMBER ACTION

1 The Transportation Committee recommends the following:

2

3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to driver license services; directing the
7 Department of Highway Safety and Motor Vehicles to study
8 outsourcing its driver license services; providing a
9 definition; requiring that the department submit a report
10 to the Governor and Legislature by a specified date;
11 providing requirements for the department with respect to
12 issues to be included in the study; requiring a cost-
13 benefit analysis and a transition and implementation plan;
14 amending s. 318.15, F.S.; providing for the collection of
15 certain service charges by authorized driver's license
16 agents; amending s. 322.02, F.S.; revising legislative
17 intent provisions to include references to county
18 constitutional officers providing driver license services;
19 amending s. 322.135, F.S.; authorizing the department to
20 contract with any county constitutional officer for driver
21 license services in certain counties; providing an
22 effective date.

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24 Be It Enacted by the Legislature of the State of Florida:

25

26 Section 1. (1) The Department of Highway Safety and Motor
27 Vehicles shall study the outsourcing of its driver license
28 services and shall make recommendations to the Governor, the
29 President of the Senate, and the Speaker of the House of
30 Representatives by January 1, 2007. As used in this section, the
31 term "outsourcing" means the process of contracting with an
32 external service provider or other governmental agency to
33 provide a service, in whole or in part, while the department
34 retains the responsibility and accountability for the service.

35 (2) As part of its study, the department shall provide a
36 description of the services to be outsourced. Types of issues
37 for the department to consider must include, but need not be
38 limited to:

39 (a) A detailed description of the service to be outsourced
40 and a description and analysis of the department's current
41 performance of the service.

42 (b) A cost-benefit analysis describing the estimated
43 specific direct and indirect costs or savings; performance
44 improvements, including reducing wait times at driver license
45 offices; risks; and qualitative and quantitative benefits
46 involved in or resulting from outsourcing the service. The cost-
47 benefit analysis must include a detailed plan and timeline
48 identifying all actions that must be implemented to realize the
49 expected benefits.

50 (c) A statement of the potential effect on applicable
51 federal, state, and local revenues and expenditures. The

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52 statement must specifically describe the effect on general
53 revenue, trust funds, general revenue service charges, and
54 interest on trust funds, together with the potential direct or
55 indirect effect on federal funding and cost allocations.

56 (d) A plan to ensure compliance with public records law.

57 (e) A transition and implementation plan for addressing
58 changes in the number of department personnel, affected business
59 processes, and employee-transition issues. Such a plan must also
60 specify the mechanism for continuing the operation of the
61 service if the contractor fails to perform or comply with the
62 performance standards and provisions of the contract. Within
63 this plan, the department shall identify all resources,
64 including full-time equivalent positions, which are subject to
65 outsourcing.

66 Section 2. Subsection (2) of section 318.15, Florida
67 Statutes, is amended to read:

68 318.15 Failure to comply with civil penalty or to appear;
69 penalty.--

70 (2) After suspension of the driver's license and privilege
71 to drive of a person under subsection (1), the license and
72 privilege may not be reinstated until the person complies with
73 all obligations and penalties imposed on him or her under s.
74 318.18 and presents to a driver license office a certificate of
75 compliance issued by the court, together with a nonrefundable
76 service charge of up to \$47.50 imposed under s. 322.29, or
77 presents a certificate of compliance and pays the aforementioned
78 service charge of up to \$47.50 to the clerk of the court or a
79 driver licensing agent authorized in s. 322.135, tax collector

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80 clearing such suspension. Of the charge collected by the clerk
81 of the court or a driver licensing agent ~~the tax collector~~, \$10
82 shall be remitted to the Department of Revenue to be deposited
83 into the Highway Safety Operating Trust Fund. Such person shall
84 also be in compliance with requirements of chapter 322 prior to
85 reinstatement.

86 Section 3. Subsection (1) of section 322.02, Florida
87 Statutes, is amended to read:

88 322.02 Legislative intent; administration.--

89 (1) The Legislature finds that over the past several years
90 the department and individual county tax collectors have entered
91 into contracts for the delivery of full and limited driver
92 license services where such contractual relationships best
93 served the public interest through state administration and
94 enforcement and local government implementation. It is the
95 intent of the Legislature that future interests and processes
96 for developing and expanding the department's relationship with
97 tax collectors and other county constitutional officers through
98 contractual relationships for the delivery of driver license
99 services be achieved through the provisions of this chapter,
100 thereby serving best the public interest considering
101 accountability, cost-effectiveness, efficiency, responsiveness,
102 and high-quality service to the drivers in Florida.

103 Section 4. Subsection (10) is added to section 322.135,
104 Florida Statutes, to read:

105 322.135 Driver's license agents.--

106 (10) The department may contract with any county
107 constitutional officer to provide driver license services in the

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108 same manner as provided in this section in a county in which the
109 tax collector is not elected or elects not to provide driver
110 license services.

111 Section 5. This act shall take effect upon becoming a law.

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 375 CS

Motor Vehicle Registration

SPONSOR(S): Barreiro

TIED BILLS:

IDEN./SIM. BILLS: SB 738

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	10 Y, 0 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee		McAuliffe	Gordon <i>JF</i>
3) State Infrastructure Council			
4)			
5)			

SUMMARY ANALYSIS

HB 375 w/CS requires the Department of Highway Safety and Motor Vehicles (DHSMV), to include a check-off for a voluntary \$1.00 contribution to "Stop Heart Disease" on each motor vehicle registration and renewal form. The funds will be distributed to the Miami Heart Research Institute, Inc., doing business as the Florida Heart Research Institute, for heart disease research, education and prevention. The Miami Heart Research Institute, Inc., has completed the statutory requirements to seek Legislative enactment of a new voluntary contribution check-off on the motor vehicle registrations.

Currently, the motor vehicle registration and registration renewal form contains seven voluntary contribution check-offs. They include:

- \$1.00 for the Nongame Wildlife Trust Fund
- \$2.00 for the Highway Safety Operating Trust Fund
- \$5.00 for the Election Campaign Financing Trust Fund
- \$1.00 for the Transportation Disadvantaged Trust Fund
- \$1.00 for the Prevent Blindness Florida
- An unspecified amount for Florida Mothers Against Drunk Driving, Inc.
- \$1.00 for the Southeastern Guide Dogs, Inc.

The required \$10,000 fee provided by the Miami Heart Research Institute, Inc. will defray DHSMV's programming costs associated with the development of the motor vehicle registration and renewal application check-off form.

This act will take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Section 320.023, F.S., provides a procedure an organization must follow prior to seeking Legislative authorization to establish a voluntary check-off on a motor vehicle registration application. Before the organization is eligible, it must submit to DHSMV at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms;
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized; and
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.

Currently, the motor vehicle registration and registration renewal form contains seven voluntary contribution check-offs. They include:

- \$1.00 for the Nongame Wildlife Trust Fund
- \$2.00 for the Highway Safety Operating Trust Fund
- \$5.00 for the Election Campaign Financing Trust Fund
- \$1.00 for the Transportation Disadvantaged Trust Fund
- \$1.00 for the Prevent Blindness Florida
- An unspecified amount for Florida Mothers Against Drunk Driving, Inc.
- \$1.00 for the Southeastern Guide Dogs, Inc.

HB 375 w/CS requires the DHSMV to include a check-off for a voluntary \$1.00 contribution to "Stop Heart Disease" on each motor vehicle registration and renewal form. The Miami Heart Research Institute, Inc., doing business as the Florida Heart Research Institute, has completed the statutory requirements authorizing it to seek Legislative enactment of the voluntary contribution check-off. The bill also provides that the funds must be used for the purpose of heart disease research, education, and prevention programs.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.02, F.S., requiring the DHSMV to include a check-off for a voluntary \$1.00 contribution to "Stop Heart Disease" on each motor vehicle registration and renewal form and provides for the use of funds.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There are no known or expected fiscal impacts on state government revenues.

2. Expenditures:

The required \$10,000 fee provided by the Miami Heart Research Institute, Inc. will defray DHSMV's programming costs associated with the development of the motor vehicle registration and renewal application check-off.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

There are no known or expected fiscal impacts on local government expenditures.

2. Expenditures:

There are no known or expected fiscal impacts on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons applying for registration or renewal of their vehicle will be permitted to make a \$1.00 voluntary contribution to benefit "Stop Heart Disease." The contribution is not mandatory. The estimated first year revenues are not known.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No rule-making authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **January 26, 2006** the Committee on Transportation amended HB 375 w/CS to change the name of the corporation which receives the funds from the check-off for a voluntary \$1.00 contribution to "Stop Heart Disease". The Miami Heart Research Institute, Inc. doing business as the Florida Heart Research Institute will receive the funds from the voluntary contribution check-off.

The committee then voted 10-0 to report the bill favorably with committee substitute.

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CHAMBER ACTION

1 The Transportation Committee recommends the following:

2

3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicle registration; amending s.
7 320.02, F.S.; requiring that the application forms for
8 registration and renewal contain a provision permitting a
9 voluntary contribution to be distributed to Miami Heart
10 Research Institute, Inc.; providing for use of the funds;
11 exempting such funds from the general revenue service
12 charge; providing an effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Subsection (16) of section 320.02, Florida
17 Statutes, is amended to read:

18 320.02 Registration required; application for
19 registration; forms.--

20 (16) (a) The application form for motor vehicle
21 registration shall include language permitting the voluntary
22 contribution of \$1 per applicant, to be quarterly distributed by
23 the department to Prevent Blindness Florida, a not-for-profit

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24 organization, to prevent blindness and preserve the sight of the
25 residents of this state. A statement providing an explanation of
26 the purpose of the funds shall be included with the application
27 form. Prior to the department distributing the funds collected
28 pursuant to this paragraph, Prevent Blindness Florida must
29 submit a report to the department that identifies how such funds
30 were used during the preceding year.

31 (b) The application form for motor vehicle registration
32 and renewal of registration must include language permitting a
33 voluntary contribution to the Florida Mothers Against Drunk
34 Driving, Inc., which contribution must be transferred by the
35 department to the Florida Mothers Against Drunk Driving, Inc.,
36 on a monthly basis.

37 (c) The application form for motor vehicle registration
38 shall include language permitting the voluntary contribution of
39 \$1 per applicant, to be distributed quarterly by the department
40 to Southeastern Guide Dogs, Inc., a corporation not for profit
41 under s. 501(c)(3) of the Internal Revenue Code, to be used by
42 that organization for the purpose of breeding, raising, and
43 training guide dogs for the blind. Such funds may also be used
44 toward the costs of the required in-residence training for the
45 individual receiving a guide dog.

46 (d) The application form for motor vehicle registration
47 and renewal of registration shall include language permitting a
48 voluntary contribution of \$1 to "Stop Heart Disease." Such funds
49 shall be distributed quarterly by the department to the Miami
50 Heart Research Institute, Inc., doing business as the Florida
51 Heart Research Institute, a corporation not for profit under s.

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52 501(c) (3) of the Internal Revenue Code. Funds shall be used by
53 the organization for the purpose of heart disease research,
54 education, and prevention programs.

55 (e) For the purpose of applying the service charge
56 provided in s. 215.20, contributions received under this
57 subsection are not income of a revenue nature.

58 Section 2. This act shall take effect July 1, 2006.

HB 385 CS

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 385 CS

Specialty License Plates

SPONSOR(S): Jordan

TIED BILLS:

IDEN./SIM. BILLS: SB 460

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	10 Y, 0 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee		McAuliffe	Gordon AS
3) State Infrastructure Council			
4)			
5)			

SUMMARY ANALYSIS

Under current law the annual use fees for the Police Athletic League License Plates are distributed to the Florida Police Athletic League, Inc., to provide educational materials, athletic equipment, transportation, food, medical checkups, counseling, scholarships, and other direct expenses incurred by the league in conducting its youth programs.

HB 385 w/CS directs the Police Athletic League's license plate annual use fees to be distributed to the State of Florida Association of Police Athletic/Activities Leagues, Inc. The purpose is to reflect an administrative change in the corporation name that receives the proceeds from the sale of Police Athletic League license plates. The bill authorizes the use of up to 15 percent of the proceeds for administrative costs and up to 10 percent for marketing and promotional expenses.

Under current law, the annual use fees for the motorcycle specialty license plates are distributed to The Abel Trust who retains a portion of the fees for administrative costs and distributes the remaining funds to the following organizations:

- Twenty-five percent to the Brain and Spinal Cord Injury Program Trust Fund,
- Twenty-five percent to Prevent Blindness Florida,
- Twenty-five percent to the Foundation for Vocational Rehabilitation to support the Personal Care Attendant Program, and
- Twenty-five percent to the Florida Association of Centers for Independent Living for the purpose of setting up direct-support organizations for each center, and for programs and activities serving disabled Floridians.

The bill redistributes the proceeds collected for each motorcycle specialty license plate as follows:

- Twelve and one-half percent to Prevent Blindness Florida,
- Twelve and one-half percent to the Blind Services Foundation of Florida., and
- Twenty-five percent to be used to leverage additional funding and new sources of revenue for the centers for independent living in this state by the Florida Association of Centers for Independent Living.

The current percentages distributed to the Brain and Spinal Cord Injury Program and to the Foundation for Vocational Rehabilitation are not changed.

The bill will not have a fiscal impact on the Department of Highway Safety and Motor Vehicles. The bill will have a fiscal impact on the organizations receiving funds from the sale of motorcycle specialty license plates. HB 385 w/CS takes effect July 1, 2006.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: 2/9/2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Specialty license plates are listed in s. 320.08058, F.S. Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. The legislature has enacted 106 specialty license plates to date, though only 100 are currently available for purchase. Section 320.08056, F.S., specifies annual use fees ranging from \$15 to \$25 for the various specialty plates, which are paid in addition to required license taxes and service charges.

Funds derived from these annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in s. 320.08058, F.S. This section also provides for the uses of funds derived for each plate from its annual use fee. There is wide variation on the uses of these fees regarding administrative costs and marketing or promotion expenses. For example, the "Support Soccer" license plate¹ allows 25 percent of funds to be used for promotion and marketing and 5 percent to be used for administrative costs; while the "United We Stand" license plate² requires that 100 percent of funds be used for airport security grants.

The Police Athletic League license plate³ was created by the legislature in 1996 by chapter 96-163, Laws of Florida. This license plate ranks 24th in popularity for the number of license plates currently issued. The Police Athletic League license plate raised \$328,500 in calendar year 2004, with \$1.8 million raised from 1997 to 2004.

Currently the annual use fees from the Police Athletic League license plates are distributed to the Florida Police Athletic League, Inc., to provide educational materials, athletic equipment, transportation, food, medical checkups, counseling, scholarships, and other direct expenses incurred by the league in conducting its youth programs. The Police Athletic League, Inc. is not authorized to use any portion of the license plate proceeds for administrative, marketing or promotional costs.

The motorcycle specialty license plate⁴ was created by the legislature in 2003 by chapter 2003-280, Laws of Florida. This license plate ranks 41st in popularity for the number of license plates currently issued. The motorcycle specialty license plate raised \$98,820 in calendar year 2004, with \$246,945 raised from 2003 to 2004.

Currently the annual use fees for the motorcycle specialty license plates are distributed to The Abel Trust who retains a 10 percent of the proceeds for administrative costs and distributes the remaining funds to the following organizations:

- Twenty-five percent to the Brain and Spinal Cord Injury Program Trust Fund,
- Twenty-five percent to Prevent Blindness Florida,
- Twenty-five percent to the Foundation for Vocational Rehabilitation to support the Personal Care Attendant Program, and

¹ s. 320.08058 (54), F.S.,

² s. 320.08058 (33), F.S.,

³ s. 320.08058 (16), F.S.,

⁴ s. 320.08068, F.S.

- Twenty-five percent to the Florida Association of Centers for Independent Living for the purpose of setting up direct-support organizations for each center, and for programs and activities serving disabled Floridians.

Proposed Changes

HB 385 w/CS amends s. 320.08058, F.S., transferring distribution of the annual use fees of Police Athletic League license plates from the Florida Police Athletic League, Inc., to the State of Florida Association of Police Athletic/Activities Leagues, Inc. The purpose is to reflect an administrative change in the corporation that receives the proceeds from the sale of Police Athletic League license plates.

The bill authorizes the use of a portion of the Police Athletic League funds for administrative and promotional costs. The league may use a maximum of 15 percent of such fees for administrative costs and a maximum of 10 percent to market and promote the plate.

The bill also redistributes the proceeds collected for each motorcycle specialty license plate as follows:

- Twelve and one-half percent to Prevent Blindness Florida,
- Twelve and one-half percent to the Blind Services Foundation of Florida., and
- Twenty-five percent to be used to leverage additional funding and new sources of revenue for the centers for independent living in this state by the Florida Association of Centers for Independent Living.

The current percentages of license plate proceeds distributed to the Brain and Spinal Cord Injury Program and to the Foundation for Vocational Rehabilitation are not changed by the bill.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08058, F.S., providing distribution and allocation of annual use fees from the sale of the Police Athletic League license plate.

Section 2. Amends s. 320.08068, F.S., providing distribution and allocation of annual use fees from the sale of the Motorcycle Specialty license plate.

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector. However, the entities that receive funding from motorcycle specialty license plates would be affected by changing how the proceeds are distributed. Also, the Blind Services Foundation of Florida, which does not currently receive funding from the sale of motorcycle specialty license plates, would benefit from receiving twelve and one-half percent of the proceeds.

D. FISCAL COMMENTS:

If the bill's provisions were effective in 2004, the Police Athletic League, Inc. would have been authorized to use \$49,275 for administrative costs and \$32,850 for marketing and promotion.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The purpose of the transfer of proceeds is to reflect an administrative change in the corporation that receives the proceeds from the sale of Police Athletic League license plates. The new corporation is on file with the Department of State, Division of Corporations, listed as the State of Florida Association of Police Athletic Leagues/Activities, Inc.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 26, 2006 the Committee on Transportation amended HB 385 to redistribute the proceeds collected for motorcycle specialty license plates; and to modify how the Florida Association of Centers for Independent Living may use its share of license plate proceeds.

The committee then voted 10-0 to report the bill favorably with committee substitute.

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CHAMBER ACTION

1 The Transportation Committee recommends the following:

2

3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to specialty license plates; amending s.
7 320.08058, F.S.; providing for the proceeds from the sale
8 of Police Athletic League license plates to be distributed
9 to the State of Florida Association of Police
10 Athletic/Activities Leagues, Inc.; authorizing the use of
11 a portion of such fees for administrative and promotional
12 cost; amending s. 320.08068, F.S.; revising provisions for
13 distribution of proceeds from the sale of motorcycle
14 specialty license plates; requiring a portion of the
15 proceeds to be distributed to the Blind Services
16 Foundation of Florida; revising amounts distributed and
17 permissible uses of the proceeds; providing an effective
18 date.

19

20 Be It Enacted by the Legislature of the State of Florida:

21

22 Section 1. Subsection (16) of section 320.08058, Florida
23 Statutes, is amended to read:

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CODING: Words stricken are deletions; words underlined are additions.

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24 320.08058 Specialty license plates.--
25 (16) POLICE ATHLETIC LEAGUE LICENSE PLATES.--
26 (a) The department shall develop a Police Athletic League
27 license plate as provided in this section to commemorate the
28 Police Athletic League in this state. The word "Florida" must
29 appear at the top of the plate, the words "Police Athletic
30 League" must appear at the bottom of the plate, and a shield
31 with the Police Athletic League logo must appear to the left of
32 the numerals.

33 (b) 1. The annual use fees shall be distributed to the
34 State of Florida Association of Police Athletic/Activities
35 Leagues, Inc.

36 2. The league may use a maximum of 15 percent of such fees
37 for administrative costs and a maximum of 10 percent to market
38 and promote the plate. The balance of such fees shall be used
39 ~~Florida Police Athletic League, Inc.~~, to provide educational
40 materials, athletic equipment, transportation, food, medical
41 checkups, counseling, scholarships, and other direct expenses
42 incurred by the league in conducting its youth programs.

43 Section 2. Subsection (4) of section 320.08068, Florida
44 Statutes, is amended to read:

45 320.08068 Motorcycle specialty license plates.--
46 (4) A license plate annual use fee of \$15 shall be
47 collected for each motorcycle specialty license plate. Annual
48 use fees shall be distributed to The Able Trust as custodial
49 agent. The Able Trust may retain a maximum of 10 percent of the
50 proceeds from the sale of the license plate for administrative

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51 costs. The Able Trust shall distribute the remaining funds as
52 follows:

53 (a) Twenty-five percent to the Brain and Spinal Cord
54 Injury Program Trust Fund.

55 (b) Twelve and one-half Twenty five percent to Prevent
56 Blindness Florida.

57 (c) Twelve and one-half percent to the Blind Services
58 Foundation of Florida.

59 (d) ~~(e)~~ Twenty-five percent to the Foundation for
60 Vocational Rehabilitation to support the Personal Care Attendant
61 Program pursuant to s. 413.402.

62 (e) ~~(d)~~ Twenty-five percent to the Florida Association of
63 Centers for Independent Living to be used to leverage additional
64 funding and new sources of revenue for the centers for
65 independent living in this state for the purpose of setting up
66 direct support organizations for each center, and for programs
67 and activities serving disabled Floridians. Each center
68 participating in the development of a direct support
69 organization shall be eligible to apply through the Association
70 for a startup grant of up to \$50,000. Thereafter, to the extent
71 that funds are available, each participating center may apply
72 for funds in the form of matching grants. The first year, the
73 centers shall provide 25 cents for each dollar requested. The
74 second year, the center shall provide 50 cents to each dollar
75 requested, and thereafter, the center shall provide a dollar for
76 dollar match for each dollar requested. The match shall be from
77 private, nongovernmental sources.

78 Section 3. This act shall take effect July 1, 2006.

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CODING: Words stricken are deletions; words underlined are additions.

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HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

STATE, DEPT OF	Issue Code	Issue Title	GOVERNOR'S RECOMMENDATIONS				CHAIRMAN'S PROPOSAL			
			FTE	RECURRING GENERAL REVENUE	ALL TRUST FUND	FTE	RECURRING GENERAL REVENUE	ALL TRUST FUND	FTE	RECURRING GENERAL REVENUE
34										
35	160E001	LIGLATIVE START UP BUDGET: FEDERAL CONTRACTUAL EXPENSE AND PAYMENT	467.6	\$3,226,926	\$6,113,462	497.0	\$3,226,926	\$6,113,462	497.0	\$3,226,926
36	160E010	REALIGNMENT OF CONTRACTUAL SERVICES BUDGET - DEDUCT CURRENT LAW AND PAYMENT	-	(1,334,227)	(849,242)	(2.3)	(1,329,227)	(841,701)	(2.3)	(1,329,227)
37	160E020	REALIGNMENT OF CONTRACTUAL SERVICES BUDGET - ADD	-	1,334,227	849,642	-	1,329,227	841,701	-	1,329,227
38	1600SC0	REAPPROVAL OF BUDGET AMENDMENT STATEWIDE VOTER REGISTRATION SYSTEM	-	1,300,000	1,300	-	1,300,000	1,300	-	1,300,000
39	1609250	STATEWIDE FEDERAL LIBRARY PROJECTS	-	324,225	324,225	-	324,225	324,225	-	324,225
40	1609260	FUNDING FOR INCREASED COST OF FUEL AND UTILITIES	-	4,342	4,342	-	2,102	2,102	-	2,102
41	2503080	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS	-	(2,734)	(2,734)	-	(1,033)	(1,033)	-	(1,033)
42										

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item Code	Item Title	Status	GOVERNOR'S RECOMMENDATION			CHAIRMAN'S PROPOSAL		
			FTE	RECURRING GENERAL REVENUE	ALL TRUST FUNDS OR GR.	FTE	RECURRING GENERAL REVENUE	ALL TRUST FUNDS OR GR.
43 330G060	MANAGEMENT EFFICIENCIES					(8.5)	(259,530)	17,764
	The Governor's Recommended Budget proposes a reduction of 8.5 vacant positions and \$259,530 in General Revenue and \$32,689 in trust funds in the Division of Library and Information Services. The positions have been vacant for more than 40 days due to continued management efficiencies within the Division of Library and Information Services. Additionally, a trust fund increase of \$50,673 is recommended to cover rent costs in the R.A. Gray for space taken over by the Division of Historical Resources.							
44 350D6C0	ARCHIVAL DIGITAL RECORDS					82,000		81
	The Governor's Recommended Budget provides \$82,000 for hardware and software associated with the archiving of e-documents. As required by Florida Statutes, the Department of State will serve as the depository for approximately 1.5 terabytes of records to be made available to the public through a searchable database. Funding includes \$32,000 for hardware costs and \$50,000 for supporting software.							
45 4603000	VOTER EDUCATION					2,000,000	3.0	
	Funds are distributed to county supervisor of elections for approved education activities. Counties are required to provide a 15% match and funds are allocated based on the number of registered voters.							
46 4606000	POLL WORKER RECRUITMENT AND TRAINING					1,500,000	1.3	
	Funds are distributed to county supervisor of elections to assist with recruiting and training of individuals as poll workers. Counties are required to provide a 15% match and funds are allocated based on the number of registered voters.							
47 4700000	INCREASED FUNDING FOR CULTURAL PROGRAMS					16,221		16,221
	Provides additional budget authority to support an increase in the elderly funded National Endowment for the Arts Trust Fund grant.							
48 4900000	CULTURAL PROGRAM GRANTS					11,860,398		11,8
	Continues funding for cultural program grants in the categories of arts, science museum, arts in education, local arts agency, youth and children's museums, state touring, international cultural exchange, cultural institutions, Florida humanities council, and challenge grants.							
49 4900000	CHALLENGE GRANT PROGRAM					\$20,776		\$20,776
	The department is required by statute (s.265, 286, F.S.) and rule to develop and prioritize a statewide list of institutions or groups of institutions requesting funding under this program. The department has compiled the list of institution(s) in priority order. The department and Governor have requested funding for this program at the FY 2005-06 level, which is \$20,776. There are 16 institution(s) on the list with a total cost of \$804,412. Local match varies depending on whether the project has a local, regional or statewide impact.							
50 5400000	OPERATING - CULTURAL ENDOWMENT PROGRAM					480,000		480,000
	The department is required by statute (s.265, 286, F.S.) to develop and prioritize a statewide list of organizations requesting \$240,000 in state matching funds through the Cultural Endowment Program. The department has compiled the list of organizations in priority order. The department and Governor have requested funding for this program at FY 2005-06 level. There are 32 organizations on the list with a total cost of \$7,680,000. A local match of \$360,000 is required.							

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item	House Title	Fiscal Year	AGENCY REQUEST FY 2006-07			GOVERNOR'S RECOMMENDATIONS FY 2006-07			CHAIRMAN'S PROPOSAL FY 2006-07		
			FTE RECURRING	NONFTE GENERAL REVENUE	ALL TRUST FUNDS	FTE TOTAL STATE AND LOCAL GENERAL REVENUE	RECURRING GENERAL REVENUE	ALL TRUST FUNDS	FTE TOTAL STATE AND LOCAL GENERAL REVENUE	RECURRING GENERAL REVENUE	ALL TRUST FUNDS
51	7400000	HISTORIC PRESERVATION GRANTS	-	2,000,000	-	2.0	-	2,000,000	-	2.0	-
		Continues state funding for Historic Preservation Small Matching Grants. Projects selected for awards encourage the restoration and rehabilitation of historic structures and buildings or the survey and evaluation of historical and archaeological resources. Through a competitive selection process overseen by the grant review panels of the Florida Historical Commission, applicants are chosen and ranked in priority order and a recommended level of funding is then established.									
52	6550000	HISTORIC MUSEUM GRANTS	-	1,750,000	-	-	1.8	-	1,750,000	-	1.8
		Continues state funding of Historic Museum Grants. The Historic Museums Grants-in-Aid program provides one-to-one matching support for exhibits relevant to Florida history, in addition to general program support for history museums. Applications are recommended to the Secretary of State for funding through a peer review panel process that considers educational, financial, administrative, technical, and public use elements in its decision-making process. Rural Areas of Critical Economic Concern are especially encouraged to participate through a match-waiver program provision.									
53	5600000	LIBRARY COOPERATIVE GRANT PROGRAM	-	1,800,000	-	-	1.8	-	1,800,000	-	1.8
		Provides funds to the 6 library cooperatives for technical assistance to 350 libraries statewide regarding resource sharing, document delivery and other technological issues. These grants require a 10% local match.									
54	5701000	COMMUNITY LIBRARIES IN CARING INFORMATION PROGRAM	-	200,000	-	-	0.1	-	200,000	-	0.1
		Supports library services and information needs of residents who live in small, rural communities. Program is designed to help improve collections, services, literacy programs. There are 38 designated rural counties and communities that are defined in \$ 280.056, F.S. that complete for these funds.									
55	6300000	GATES FOUNDATION GRANT	-	-	1,150,000	-	1.2	-	1,150,000	-	1.2
		Provides budget authority for the implementation of a Public Access Computer Hardware Update Grant Program provided by the Bill and Melinda Gates Foundation. Funds in the amount of \$126,000 will be awarded to libraries for the purchase of public access computers in July 2006 and an additional grant of \$24,000 from Webjunction will allow for the launch of a Rural Library Sustainability Program to help small rural library staff develop and implement activities to sustain public access technology.									
56	6600000	TEMPORARY ASSISTANCE FOR PEAK WORKLOADS IN ELECTIONS	-	-	225,000	-	0.3	-	225,000	-	0.3
		Funding to support the hiring of temporary employees to assist with the entry of voter registration information in the Florida Voter Registration System (FTRS). The Division of Elections is responsible for entering data from voter registration applications into the system following its operational launch in January 2006. During peak voter registration periods, typically the six month period leading up to a general election, it may be necessary to utilize temporary staffers.									

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item	Item Description	Issue Date	GOVERNOR'S RECOMMENDATIONS						CHAMBER'S PROPOSAL			
			FTE	RECURRING GENERAL REVENUE	NONRECUR GR	ALL TRUST FUNDS	TOTAL STATE REVENUE	FTE	RECURRING GENERAL REVENUE	NONRECUR OR	ALL TRUST FUNDS	TOTAL STATE REVENUE
57	FUNDING STATUTORY REQUIREMENTS FOR FLORIDA'S ELECTION PROGRAM	-	-	75,000	300,000	-	\$4	-	575,000	-	0	57
57	The Governor's recommended Budget proposes \$575,000 for elections-related issues. This includes: \$200,000 for the defense of any potential legal action taken by individuals against the state during the 2006 election; \$300,000 for the advertising of proposed constitutional amendments, as required by the Florida Constitution; and \$75,000 for voter education programs to increase voter awareness and participation, including public service announcements, radio advertisements, and printed material disseminated to all 67 supervisors of elections, 450 public libraries, and 1,000 sites within other state agencies and non-partisan organizations that provide voter registration.	-	-	-	-	-	-	-	-	-	-	
58	ELECTION LEGAL EXPENSES	-	-	100,000	-	-	\$1	-	-	-	-	58
58	Provides continuation funding to support anticipated election related legal expenses. The department contracts with the Attorney General's Office and/or outside legal counsel specializing in election law to represent the department in lawsuits filed against the state.	-	-	-	-	-	-	-	-	-	-	-
59	FCO - MISSION SAN LUIS FORT CONSTRUCTION	-	-	-	-	-	8,209,344	1.2	-	-	8,209,344	59
59	Provides \$8.2 million for the construction of a visitor center at Mission San Luis, restoration of the 17th century plaza and the relocation of the 1838 Wesser House. The proposed visitor center will include exhibits, orientation and support facilities, visitor amenities, and parking.	-	-	-	-	-	-	-	-	-	-	-
60	FCO - PROGRAMS / PROJECTS AUTHORIZED IN STATUTE:	-	-	-	-	-	-	-	-	-	-	60
61	FCO - CULTURAL FACILITIES PROGRAM	-	-	-	-	-	-	-	-	-	-	61
61	The department is required by statute (6.265.701, F.S.) to develop and prioritize a statewide list of cultural facilities requesting funding to expand, renovate, construct or acquire. The department has compiled the list of projects in priority order, but has not requested funding nor has the Governor recommended any funding for these projects. There are 37 projects on the list with a total cost of \$14,953,228. A 2:1 local match is required.	-	-	-	-	-	-	-	-	-	-	62
62	FCO - REGIONAL CULTURAL FACILITIES PROGRAM	-	-	-	-	-	-	-	-	-	-	63
62	The department is required by statute (6.265.702, F.S.) to develop and prioritize a statewide list of regional cultural facilities. The Miami-Dade County Performing Arts Center project is the only project on the list submitted by the Florida Arts Council at a cost of \$2,500,000. The department has not requested funding nor has the Governor recommended funding for this project. A 2:1 local match is required.	-	-	-	-	-	-	-	-	-	-	63
63	FCO - HISTORIC PRESERVATION PROJECTS	-	-	-	-	-	-	-	-	-	-	63
63	The department is required by statute (6.267.0617, F.S.) to develop and prioritize a statewide list of historic preservation projects requesting funding to identify, acquire, protect, preserve or rehabilitate. The department has compiled the list of projects in priority order, but has not requested funding nor has the Governor recommended any funding for these projects. There are 100 projects on the list with a total cost of \$2,953,733.	-	-	-	-	-	-	-	-	-	-	-

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item	Item Description	AGENCY REQUEST			GOVERNOR'S RECOMMENDATIONS			CHAMBER'S PROPOSAL			
		FY 2006-07		FY 2006-07	FY 2006-07		FY 2006-07	FY 2006-07		FY 2006-07	
		FTE	RECURRING		NONRECUR. GR.	ALL TRUST FUNDS		NONRECUR. GR.	GENERAL REVENUE		
64	061182 FCO - LIBRARY CONSTRUCTION GRANTS	-	-	-	-	-	-	-	-	64	
65	TOTAL DEPT OF STATE	497.0	81,205,868	300,000	33,806,637	114,000	498.5	62,972,006	16,747,398	33,665,125	497.0
66											66
67											67

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

LINE ITEM	Itemized Description	FYE	RECOMMENDATION	GOVERNOR'S RECOMMENDATIONS				CHAMBER'S PROPOSAL			
				FY 2006-07 NON-EXCISE TAXES	All TRUST FUNDS	Total Program Revenue	FTE	RECURRING GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	TOTAL OTHER REVENUE
58	COMMUNITY AFFAIRS, DEPT OF										
69	EXERCISE OF STATE BUDGET PAYMENT CONTRACTS OF CIVILIAN LAW AND POLICE										
70	REALIGNMENT OF CONTRACTUAL SERVICES BUDGET FROM EXPENSE TO OPS.										
	Currently the Department's expense category base budget includes authority associated with contractual services expenditures. Chapter 2005-152, Laws of Florida, amended s. 216.01(1)(n), F. S., by removing "contractual services" from the list of items included in the expense appropriation category. This change requires the department to realign its expense budget authority used to pay contractual services expenditures to the Other Personal Services category.			(11,000)				(56,090)			
71	REALIGNMENT OF CONTRACTUAL SERVICES BUDGET TO OPS FROM EXPENSE										
	Currently the Department's expense category base budget includes authority associated with contractual services expenditures. Chapter 2005-152, Laws of Florida, amended s. 216.01(1)(n), F. S., by removing "contractual services" from the list of items included in the expense appropriation category. This change requires the department to realign its expense budget authority used to pay contractual services expenditures to the Other Personal Services category.							(0.1)			
75	TRANSFER DIVISION OF COMMUNITY PLANNING COMMUNICATIONS STAFF TO OFFICE OF THE SECRETARY										
	Transfers two full time equivalent (FTE) Public Information support positions from the Division of Community Planning to the Office of the Secretary. The staff will be able to perform department wide services in a more efficient manner by allowing for more flexible utilization of the positions, ensuring greater coordination and increased productivity.			(2.0)				(124,541)			
76	TRANSFER COMMUNICATIONS STAFF FROM DIVISION OF COMMUNITY PLANNING TO OFFICE OF THE SECRETARY										
	Transfers two full time equivalent (FTE) Public Information support positions from the Division of Community Planning to the Office of the Secretary. The staff will be able to perform department wide services in a more efficient manner by allowing for more flexible utilization of the positions, ensuring greater coordination and increased productivity.			(2.0)				(124,541)			
77	FUNDING FOR INCREASED COST OF FUEL AND UTILITIES										
	The Governor's Recommended budget provides funding for the increased cost of fuel and utilities. The increase in cost of fuel and utilities, is based upon the actual expenditures for such commodities and services in Fiscal Year 2004-05, adjusted for growth pursuant to applicable consumer price indices. Costs for fuel and utilities have significantly increased in recent years and there has not been any recent statewide price level increase to accommodate these changes.							5,083			
78	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS										
	Adjustment is the annual assessment for the Division of Administrative Hearings. DOAH provides a uniform, impartial and affordable forum for resolving conflicts between private citizens and organizations and agencies of the state. The total budget amount is based on the actual number of hearing hours reported for the previous fiscal year.							(243,243)			

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item	Source Code	Item Title	GOVERNOR'S RECOMMENDED BUDGET						CHAIRMAN'S PROPOSAL					
			FYE	RECURRING GENERAL REVENUE	NONRECUR- ING GENERAL REVENUE	TOTAL GENERAL REVENUE	FYE	RECURRING GENERAL REVENUE	NONRECUR- ING GENERAL REVENUE	TOTAL GENERAL REVENUE	FYE	RECURRING GENERAL REVENUE	NONRECUR- ING GENERAL REVENUE	TOTAL GENERAL REVENUE
79	3002500	FINANCE & ACCOUNTING STAFF FOR MANAGEMENT OF DISASTER REIMBURSEMENT WORKLOAD	-	-	-	82,161	0.1	-	-	82,161	0.1	-	-	79
80	34N0050	FROM GENERAL REVENUE TO ADMINISTRATIVE TRUST FUND	-	-	-	(518,916)	-	-	-	(518,916)	-	-	-	80
81	34N0060	TO ADMINISTRATIVE TRUST FUND FROM GENERAL REVENUE	-	-	-	518,918	0.1	-	-	518,918	0.1	-	-	81
82	4100000	DIVISION OF COMMUNITY PLANNING STAFFING FOR SB 360 IMPLEMENTATION	-	-	-	400,000	1.0	-	-	400,000	1.0	-	-	82
83	3008500	DIVISION OF COMMUNITY PLANNING ASSISTANCE	-	-	-	1,600,000	0.1	-	-	1,600,000	0.1	-	-	83
84	4100200	COMPREHENSIVE PLANNING ADVERTISING COSTS INCREASE FOR SCHOOLS: SB 360 IMPLEMENTATION	-	-	-	55,370	1.0	55,370	-	55,370	1.0	-	-	84
						61,770	-	-	-	61,770	-	-	-	

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item #	Issue Code	Issue Title	GOVERNOR'S REQUEST					CHAIRMAN'S PROPOSAL				
			FTE	RECURRING GENERAL REVENUE	FY 2006-07 NONRECUR GR	ALL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE	FY 2006-07 NONRECUR GR	ALL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE
85	4100210	COMPREHENSIVE PLANNING ADVERTISING COSTS RECURRING INCREASE	-	165,621	-	0.2	-	165,621	-	0.2	-	-
86	4100220	CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA IMPLEMENTATION	-	-	250,000	0.3	-	-	250,000	0.3	-	-
87	4100230	UPGRADE OF GROWTH MANAGEMENT ATTORNEY TO SENIOR ATTORNEY-DECREASE	(1.0)	(51,323)	-	(0.1)	(1.0)	(51,323)	-	(0.1)	-	-
88	4100240	UPGRADE OF GROWTH MANAGEMENT ATTORNEY FTE-INCREASE	1.0	65,306	-	0.1	1.0	65,306	-	0.1	-	-
89	4101000	TRANSFER CASH BACK TO GENERAL REVENUE FROM PARTIAL VETO OF SB 360	-	-	-	-	-	-	300,000	0.3	-	-
90	4500100	ASPIRE REMEDIATION	-	-	-	1	0.0	-	-	-	-	-
91	4500200	SALARY RATE AND BUDGET AUTHORITY FOR ITTE ESTABLISHED BELOW	(3.0)	(127,404)	(0.1)	(3.0)	(127,404)	(0.1)	(127,404)	(0.1)	-	-

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue Code	Issue Title	GOVERNOR'S RECOMMENDATIONS						CHAIRMAN'S PROPOSAL			
		FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	ALL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	ALL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE
92 4500300	SALARY RATE AND BUDGET AUTHORITY FOR IT FTE ESTABLISHED BELOW	3.0	-	-	143,210	0.1	3.0	-	-	143,210	0.1
93 4700000	CLASS CODE MINIMUM - INCREASE Provides additional salary rate of \$13,665 and budget authority of \$15,806 in order to bring three full time equivalent (FTE) positions in the Information Technology unit to the minimum of position class codes. These positions were converted in Fiscal Year 2005-06 from Other Personal Services (OPS) to FTE positions and were funded, inadvertently, at below the position class code minimums.	-	-	-	-	-	-	-	-	-	-
94 4800000	INCREASED LEGAL EXPENSES The Governor's Recommended Budget includes \$225,000 in nonrecurring funding for estimated expenses to be reimbursed to the Office of the Attorney General for environmental and land use litigation pertaining to the Florida Keys Area of Critical State Concern.	-	-	-	-	-	-	-	-	-	-
95 5900100	REGIONAL PLANNING COUNCILS Provides funding to the RPC's to maintain, update and implement strategic policy plans, and assist the department with the review of local govt' comprehensive plans, plan amendments and other growth management functions.	-	-	3,000,000	-	-	-	3,000,000	-	-	3,000
96 5900110	REALIGN RATE AND BUDGET BETWEEN BUDGET ENTITIES - DEDUCT Provides for a transfer of General Revenue salaries and benefits budget authority and associated rate within the Division of Emergency Management to properly align the budget entity budget authority with the actual disbursement requirements.	-	-	(114,000)	-	-	(114,000)	-	-	-	(114,000)
97 5901120	REALIGN RATE AND BUDGET BETWEEN BUDGET ENTITIES - ADD Provides for a transfer of General Revenue salaries and benefits budget authority and associated rate within the Division of Emergency Management to properly align the budget entity budget authority with the actual disbursement requirements.	-	-	114,000	-	-	114,000	-	-	-	114,000
98 5901140	WINDBORNE DEBRIS PROTECTION IN NORTH FLORIDA Provides budget authority to upgrade existing modeling capability in order to estimate the costs and benefits of windborne debris building protections in the North Florida Panhandle region. Utilizing unbudgeted funds in the Operating Trust Fund, this project will incorporate data from the hurricanes of 2004 and 2005 to include new modeling of the effects of trees in reducing wind loads and sheltering buildings from debris.	-	-	-	250,000	0.3	-	250,000	0.3	-	250,000
99 5901150	INCREASE EXPENSE FOR TRAVEL RELATED TO FLORIDA BUILDING COMMISSION Provides an additional \$100,000 to fund travel expenses for the Florida Building Commission meetings and related activities. This recurring budget authority in the Operating Trust Fund is necessary to cover the increased costs of Commission meetings and to enable the Commission to continue to accomplish the increased number of hurricane-based and other priority issue research projects.	-	-	-	100,000	0.3	-	100,000	0.3	-	100,000
100 5901160	HURRICANE SHELTER RETROFFITS Provides for more than 25,000 additional public hurricane shelter spaces. Funded through an annual \$3 million statutory distribution from the Florida Hurricane Catastrophe Fund (CAT Fund). These new shelter spaces will help reduce the shelter space deficit resulting from the state's rapid population growth.	-	-	-	3,000,000	3.0	-	3,000,000	3.0	-	3,000,000

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue/Credit	Issue Title	GOVERNOR'S RECOMMENDATIONS										CHAMBER'S PROPOSAL		
		FY 2006-07 AGENCY REQUEST	FY 2006-07 RECURRING GENERAL REVENUE	FY 2006-07 NONRECUR- ING GENERAL REVENUE	FTE	TOTAL FUNDING (includes revenue)	All TRUST FUNDS	All TRUST FUNDS	TOTAL STATE REVENUE (includes revenue)	NONRECUR- ING GENERAL REVENUE	FTE	TOTAL STATE REVENUE (includes revenue)	All TRUST FUNDS	
101	5901680	EMERGENCY MANAGEMENT PERFORMANCE GRANT FUNDING INCREASE	-	-	2,417,561	2,4	-	-	2,417,561	2,4	-	-	-	101
		Provides additional recurring budget authority in the amount of \$2.4 million in order for the division of Emergency Management to fully utilize federal funding for the Emergency Management Performance Grant (EMPG) award. Since 2002, the State of Florida has been receiving increases from the Federal Emergency Management Agency, Department of Homeland Security, for EMRG funding, to provide for all-hazards, comprehensive emergency management activities at the state and local levels. This will provide sufficient budget authority for the State to continue to accept the increased level of these awards and fully utilize federal funds.												
102	5901750	FEDERAL DECLARED DISASTER FUNDING	-	38,731,355	563,342,189	8221	-	-	116,567,127	1,049,306,849	4,144,9	-	-	102
		Provides federal and state (matching) funds to support contractual obligations to eligible state government entities, local governments and private nonprofit organizations for disaster responses, recovery and mitigation activities for all open disasters. The Governor's Recommendations include funds for all open disasters through 2005, where as the DCA's request was developed prior to the 2005 Hurricanes Katrina, Rita and Wilma.												
103	5901860	PREDISASTER MITIGATION PROGRAM	-	-	8,200,000	82	-	-	8,200,000	82	-	-	-	103
		This federal program provides assistance to local governments for pre-disaster mitigation planning and implementation of projects within their communities. These funds support FEMA approved projects and require a 25% match from grant recipients.												
104	5901930	EMERGENCY POWER CAPABILITY FOR STATE EMERGENCY OPERATIONS CENTER FACILITIES	-	-	175,000	82	-	-	175,000	82	82	-	-	104
		Provides funds to install generator pre-wire equipment and chilled water piping connections at both the Subsidiary and Eastley Buildings. During emergencies, the Subsidiary and Eastley Buildings provide necessary operational space needs of state, federal, local and private-sector disaster relief and support agencies, but do not currently have provisions for emergency power or air conditioning. This funding will provide for the safe connection of temporary portable power generators and chilled water plants in both buildings, enabling the State Emergency Response Team to continue to support local governments during disasters. The Governor recommends using unobligated cash in the Emergency Management, Preparedness & Assistance Trust Fund.												
105	5901990	RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM	-	-	6,938,391	82	-	-	6,938,391	82	82	-	-	105
		This program is funded through an annual \$7 million statutory distribution from the Florida Hurricane Catastrophe Trust Fund. In general, 40% of the funds (\$2,800,000) are used to mitigate future losses for mobile homes; 10% of the funds (\$700,000) are directed to Florida International University for hurricane research; and 50% of the funds (\$3,500,000) are directed to programs developed by the DCA, in consultation with an advisory council, to help prevent or reduce losses or to reduce the costs of rebuilding after a disaster.												

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue Code	Issue Title	CHAIRMAN'S PROPOSAL					
		FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	ALL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE
106	DISASTER RECOVERY STAFFING	1	1	6.0	6.0	6.0	409,300
106	The Governor's Recommended Budget includes 6 positions and \$409,300 for long term recovery within the Division of Emergency Management. These time limited positions (through 2006) will help to ensure consistent leadership and policy direction for critical recovery issues through the maturation of the disaster programs. This will shift current Other Personal Services (OPS) employees to full time staff and place the Division in a better position to retain key staff. Budget is supported with federal funds (\$241,588) and state matching funds (\$67,672).						
107	CIVIL LEGAL ASSISTANCE	-	-	-	1,000,000	-	1,000,000
107	Pursuant to sections 68.094 through 68.105, Florida Statutes, a not-for-profit charitable organization, under contract from the Department of Community Affairs, administers Civil Legal Assistance funding. Funds are allocated on a court-by-court funding formula and support legal services in family law, juvenile law, entitlement to federal benefits, including benefits for veterans, domestic violence, elder and child abuse and immigration matters.						
108	INCREASE - COMMISSION ON COMMUNITY SERVICES	-	-	-	125,000	-	125,000
108	The Governor's Recommended budget includes an additional \$125,000 for the Commission on Community Services. Utilizing unobligated funds, this additional funding is necessary due to the greater reliance on volunteers in light of the recent disasters. This recommendation would bring their total state funding to \$300,000.						
109	COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER SUPPLEMENTAL-ADMIN AND TECHNICAL ASSISTANCE	-	-	570,689	-	-	570,689
109	Provides budget authority to continue the Small Cities Community Development Block Grant Program's Disaster Recovery Initiative. The federally funded Disaster Recovery initiative was implemented in FY 2004-05 in response to the 2004 hurricanes and provides funds to assist communities in addressing housing, infrastructure and economic development needs. This funding includes \$71,689 for technical assistance and \$49,030 for administrative costs.						
110	FRONT PORCH FLORIDA INITIATIVE	-	-	3,000,000	-	-	2,970,000
110	Continues funding for Front Porch Florida assisting underserved neighborhoods or communities to achieve the goals and needs identified by the community residents and stakeholders. Front Porch Florida, Office of Urban Opportunity uses a community-based approach to assist the 20 designated Front Porch communities. The mission of the Program is closely aligned with the department's mission of investing in communities and providing them with specific assistance in order to meet their individual needs.						

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue Detail	Issue Title	GOVERNOR'S RECOMMENDATIONS FY 2006-07										CHAMBER'S PROPOSAL FY 2006-07			
		FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	TOTAL GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	TOTAL GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	TOTAL GENERAL REVENUE		
111: 6502020	GRANT FUNDING FROM THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION-WATERFRONTS FLORIDA PROGRAM	-	-	-	75,000	0.1	-	-	75,000	0.1	-	-	-	-	
	The Waterfronts Florida Program was statutorily created during the 2005 legislative session, subject to availability of funding, and addresses the physical and economic decline of traditional working waterfronts by providing intensive technical assistance, training and limited financial assistance to five designated communities. DCA will receive these funds from the National Oceanic and Atmospheric Administration via a grant award from the Florida Coastal Management Program in the Department of Environmental Protection.														
112: 6509000	SPRINGS PROTECTION INITIATIVE	-	-	-	200,000	0.2	-	-	200,000	0.2	-	-	-	-	
	Program assists local governments with the implementation of land use planning strategies and best management practices to protect Florida's springs. This initiative is funded through federal funds received from the Department of Environmental Protection via a sub-grant contract.														
113: 6507400	AFFORDABLE HOUSING PROGRAM	-	-	-	14,593,377	14.6	-	-	14,593,377	14.6	-	-	-	-	
	Based on the Revenue Estimating Conference's estimated documentary stamp tax receipts for FY 2006-2007 for the State Housing Trust Fund, and in keeping with the intent of the Legislature in 2005 HB 1889, the Florida Housing Finance Corporation (Florida Housing) requests a recurring special category appropriation of \$70,500,000 for \$14,593,377 over FY 2005-2006. This represents an increase of \$35,514,000 over FY 2005-2006.														
114: 6507600	STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM	-	-	-	35,514,000	36.8	-	-	35,514,000	36.8	-	-	-	-	
	Based on the Revenue Estimating Conference's estimated documentary stamp tax receipts for FY 2006-2007 for the Local Government Housing Trust Fund and in keeping with the intent of the Legislature in 2005 HB 1889, the Florida Housing Finance Corporation requests a recurring special category appropriation of \$164,400,000 within the Local Government-Housing Initiative Partnership (SHIP) Program. This represents an increase of \$35,514,000 over FY 2005-2006.														
115:	HURRICANE EMERGENCY MANAGEMENT INITIATIVE	-	-	-	-	-	-	-	-	-	-	-	-	-	
116: 6500200	HURRICANE HOUSING RECOVERY	-	-	-	-	-	-	-	-	-	-	-	-	-	
	This issue represents part of the Governor's \$565 million Emergency Management Initiative, providing \$300 million to the Florida Housing Finance Corporation to address housing needs in severely impacted communities in response to the recent disasters. Funding builds on the recommendations and programs developed by the Hurricane Housing Work Group after the 2004 hurricane season and will include a Hurricane Housing Recovery Program (\$86 million), Rental Recovery Loan Program (\$176.6 million), Farmworker Housing Recovery Program and Special Housing Assistance and Development Program (\$25 million), and funds for training and technical assistance (\$400,000) for the citizens impacted by the 2004 and 2005 hurricanes.														

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item #	Item Title	AGENCY REQUEST		GOVERNOR'S RECOMMENDATIONS		CHAIRMAN'S PROPOSAL	
		FTE	RECURRING GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE
124	SEED000 GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK	-	-	35,000	35,000	-	35,000
141141	GRANTS	This program targets rural cities and counties that do not qualify for direct assistance from the federal government. Grants are awarded to local governments and nonprofit agencies to provide assistance in five project categories: Neighborhood Revitalization, Economic Development, Housing Rehabilitation, Commercial Revitalization and Project planning and design.	-	-	-	-	34,0
125	SE00G000 BRANDON COMMUNITY ADVANTAGE CENTER	-	-	-	2,000,000	-	2,0
145027	BRANDON COMMUNITY ADVANTAGE CENTER	The Governor's Recommended Budget includes funds for the construction of a multi-purpose facility for community meetings, educational classes, and/or outreach programs on public health and safety in the greater Brandon area.	-	-	-	-	-
126	FCD - LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/IRREPLACEABLE LANDS, STATEWIDE	-	-	66,000,000	66,000,000	-	66,000,000
084108	FCD - LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/IRREPLACEABLE LANDS, STATEWIDE	These statutory directed funds are distributed by the Florida Communities Trust, through an annual competitive grant cycle, to local governments and nonprofit environmental organizations to assist in implementing local comprehensive plans. The Florida Communities Trust receives 22% (360 million) of the Florida Forever bond proceeds annually to support this program.	-	-	-	-	-
127	TOTAL DEPT OF COMMUNITY AFFAIRS	368.0	10,098,888	45,818,106	1,043,035,998	1,068.8	364.0
128							11,486,023 191,511,397 1,963,544,243 2,168.8 367.0 9,886,127 0 279,552,163 206.8

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue Code	Issue Title	CHARTER/HANDOVER PROPOSAL									
		FTE	RECURRING GENERAL SERVICES	All. TRUST FUND GR	All. TRUST FUND PENALTY	TOTAL REVENUE (from revenue projections)	FTE	RECURRING GENERAL REVENUE	FTE	All. TRUST FUND REVENUE	TOTAL REVENUE (from revenue projections)
143	1807010 TRANSFER POSITIONS BETWEEN PROGRAM COMPONENTS TO ALIGN WITH JUNE 30 PEOPLE FIRST - DEDUCT					(917,696)	(260)			(917,696)	(0.9)
144	1807020 TRANSFER POSITIONS BETWEEN PROGRAM COMPONENTS TO ALIGN WITH JUNE 30 PEOPLE FIRST - ADD BACK					917,696	0.8			917,696	0.8
145	2306000 FUNDING FOR INCREASED COST OF FUEL AND UTILITIES	26.0				917,696	26.0			917,696	2.2
146	2401170 REPLACEMENT EQUIPMENT FOR MATERIALS AND TESTING LABORATORIES					185,000	0.2			185,000	0.2
147	2402190 ADDITIONAL EQUIPMENT FOR MATERIALS AND TESTING LABORATORIES					1,067,770	1.1			1,067,770	1.1
148	2503080 DIRECT BILLING FOR ADMINISTRATIVE HEARINGS					72,833	0.1			72,833	0.1
149	2605000 SUPPORT FOR INTELLIGENT TRANSPORTATION SYSTEMS					369,766	0.8			369,766	0.8
150	2705000 TOLL FACILITY INSURANCE PREMIUMS					1,565,703	1.1			1,565,703	1.1

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item	Issue Description	FTE	GOVERNOR'S REQUEST			CHAMBER'S PROPOSAL		
			RECURRING GENERAL REVENUE	NONRECUR- ING GR	TOTAL FUNDING REQUESTED	FTE	RECURRING GENERAL REVENUE	TOTAL FUNDING REQUESTED
TRANSFERS								
159	6001160 TRANSFER TO DEPT OF HIGHWAY SAFETY AND MOTOR VEHICLES - REIMBURSE FOR TROOP K SERVICES ON THE FL TURNPIKE	-	-	-	1,465,659	14	-	-
160	6001170 TRANSFER TO DEPT OF HIGHWAY SAFETY AND MOTOR VEHICLES - REIMBURSE FOR MOTOR CARRIER RADIO DISPATCH SERVICES	-	-	-	151,290	62	-	-
161	6003000 MOTOR CARRIER OFFICER HIRE BACK FOR REST AREA AND CONSTRUCTION SITE SECURITY	-	-	-	142,885	61	-	-
162	6009990 MOTOR CARRIER SAFETY ASSISTANCE PROGRAM	-	-	-	4,492,213	44	-	-
163	9901000 ENVIRONMENTAL SITE RESTORATION	-	-	-	1,285,000	13	-	-
164	086763 MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE	-	-	-	6,614,977	63	-	-
165	9904000 MAINTENANCE AND REPAIR	-	-	-	6614,977	63	-	-
166	080002 MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE	-	-	-	6614,977	63	-	-
167	088542 UNDERGROUND STORAGE TANK PROGRAM - STATEWIDE	-	-	-	550,000	54	-	-

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue/Clear	Issue Title	GENERAL'S RECOMMENDATIONS										CHAIRMAN'S PROPOSAL	
		FTE	RECURRING GENERAL REVENUE	NONRECUR GR	ALL TRUST FUNDS	TOTAL GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	NONRECUR GR	ALL TRUST FUNDS	TOTAL GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE
253	DIRECT BILLING FOR ADMINISTRATIVE HEARINGS	-	-	-	-	-	-	-	-	-	-	-	-
254	ONE STOP MANAGEMENT INFORMATION SYSTEM (OSMIS) - ALLOCATE LUMP SUM APPROPRIATION FOR ON-GOING SYSTEM MAINTENANCE AND SUPPORT - DEDUCT	-	-	(1,800,000)	(1,8)	-	-	-	-	(1,800,000)	(1,8)	-	-
255	ONE STOP MANAGEMENT INFORMATION SYSTEM (OSMIS) - ALLOCATE RECURRING LUMP SUM APPROPRIATION FOR ON-GOING SYSTEM MAINTENANCE AND SUPPORT	(part A)	-	-	1,800,000	1.8	-	-	-	1,568,216	1.8	-	-
256	ONE STOP MANAGEMENT INFORMATION SYSTEM (OSMIS) - ALLOCATE RECURRING LUMP SUM APPROPRIATION FOR ON-GOING SYSTEM MAINTENANCE AND SUPPORT	(part B)	-	-	-	-	(231,784)	-	-	-	-	-	-
257	ONE STOP MANAGEMENT INFORMATION SYSTEM (OSMIS) - ADDITIONAL BUDGET AUTHORITY FOR ON-GOING SYSTEM MAINTENANCE AND SUPPORT	-	-	-	635,422	0.8	-	-	-	635,422	0.8	-	-
258	ONE STOP MANAGEMENT INFORMATION SYSTEM (OSMIS) - ADDITIONAL BUDGET AUTHORITY TO COMPLETE SYSTEM DEVELOPMENT AND IMPLEMENTATION	-	-	-	1,530,625	1.8	-	-	-	1,530,625	1.8	-	-
259	EARLY LEARNING INFORMATION SYSTEM (ELIS) - REALIGN BASE BUDGET FUNDING TO DEVELOP AND IMPLEMENT SYSTEM - DEDUCT	-	-	(5,987,000)	(6.9)	-	-	-	-	-	-	-	-
260	EARLY LEARNING INFORMATION SYSTEM (ELIS) - REALIGN BASE BUDGET FUNDING TO DEVELOP AND IMPLEMENT SYSTEM - ADD TRANSFERS RECURRING BASE BUDGET FROM THE SCHOOL READINESS CATEGORY TO THE DATA SYSTEMS SCHOOL READINESS CATEGORY. (See issue 36321C0 above)	-	-	5,987,000	0.8	-	-	-	-	-	-	-	-
261	ASPIRE REMEDIATION - PROJECTED COSTS - UNEMPLOYMENT COMPENSATION SERVICES Placeholder amount.	-	-	-	1	0.8	-	-	-	-	-	-	-
262	ASPIRE REMEDIATION - PROJECTED COSTS - WORKFORCE SERVICES Placeholder amount.	-	-	-	1	0.8	-	-	-	-	-	-	-

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item #	Item Title	Nature/Rate	CHAIRMAN'S PROPOSAL									
			GOVERNOR'S RECOMMENDATIONS FY 2006-07			FY 2006-07			FY 2007-08			
FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	ALL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	ALL TRUST FUNDS	TOTAL GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GR	ALL TRUST FUNDS
263	4100500 WORKFORCE CLUSTER FUNDING	The Governor's Recommended Budget provides \$4.7 million in nonrecurring general revenue to fund 8 additional Workforce Cluster Centers which are partnerships with community colleges and technical institutes to develop and implement training programs for targeted industries and \$300,000 for Workforce FL, Inc to administer the program. Workforce FL, competitively designated the first center focusing on the Aviation/Aerospace industry this year. The center was awarded to a joint project of Brevard Community College (BCC) and FL Community College at Jacksonville (FCCJ). Workforce FL is in the process of competitively designating up to three more centers, one focused on biotechnology. Designated BANNER centers (Business Assistance Now for New Economy Results) will focus on educational and training needs of occupations critical to the success of specific industry clusters. Centers will be competitively selected and will require on-going industry support to be selected. Most clusters will be from the sectors identified by Enterprise FL, as targeted areas for economic diversification, but may also include traditional FL industry sectors.					5,000,000	\$4.7				
264	4109800 ASSESSMENT-BASED TRAINING/BUSINESS PARTNERSHIP	The Governor's Recommended Budget provides \$11.0 million to implement the Ready to Work Initiative (Workforce Credentials Program) which enables employees to assess their job skills and training needs of potential employees being served through the One Stop Career Center system and employees of Florida's businesses. Funds will be deposited into the Employment Security Trust Fund and expended over 3 fiscal years: \$4 million in FY 2005-07, \$4 million in FY 2007-08, and \$3 million in FY 2008-09.						11,000,000				\$11.0
265	4200010 RESTORE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDING FOR WORKFORCE SERVICES TO PRIOR YEAR'S APPROPRIATION	Provides for restoration of \$9,17,319 in TANF funding for workforce services in the Grants and Aids Regional Workforce Boards special appropriation category. Services includes job training and employment assistance programs, child care and transportation assistance, child support enforcement programs, relocation assistance, front end diversion services.						9,117,319				\$9,117,319
266	4500010 IMPLEMENT THE MINIMUM WAGE CONSTITUTIONAL AMENDMENT	The Governor's Recommended Budget provides \$161,129 to implement SB-18B which was passed by the Legislature during Special Session 2005-S and created the "Florida Minimum Wage Act" which provides to the extent funded in the General Appropriations Act, written notice of the adjusted state minimum wage be provided to all employers registered in the most current unemployment compensation database.						188,129				\$161,129
267	4500560 MILITARY FAMILIES PROGRAM	Provides for restoration of the \$200,000 funds for the Military Employment Assistance and active duty military, reserve and Florida National Guard members.						200,000				200,000
268	4500570 INCUMBENT WORKER TRAINING PROGRAM - TRANSFER BUDGET AUTHORITY FROM PROGRAM SUPPORT TO WORKFORCE FLORIDA, INC. - DEDUCT	Transfers operating budget authority from the Program Support budget entity to the Workforce Florida budget entity in a new special appropriation category. The incumbent Worker Training Program, The incumbent Worker Training Program provides grant funding for customized training for existing for-profit Florida businesses to retain and keep business competitive by providing existing full-time employees opportunities to upgrade their skills. (See issue 4500550 below)						(2,000,000)				(2,000,000)

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue Code	Issue Title	FTE	RECURRING GENERAL REVENUE	GOVERNOR'S RECOMMENDATIONS				CHAMBER'S PROPOSAL			
				FTE	RECURRING GENERAL REVENUE	TOTAL REVENUE REQUESTED	FTE	RECURRING GENERAL REVENUE	TOTAL REVENUE REQUESTED	FTE	RECURRING GENERAL REVENUE
268	4500590 INCUMBENT WORKER TRAINING PROGRAM - TRANSFER BUDGET AUTHORITY FROM PROGRAM SUPPORT TO WORKFORCE FLORIDA, INC. - ADD	-	-	2,000,000	1.0	-	-	2,000,000	1.0	-	-
270	4500600 DISPLACED HOMEMAKERS PROGRAM - EXPAND SERVICES TO ADDITIONAL PARTICIPANTS	-	-	332,923	0.4	-	-	332,923	0.4	-	-
271	4500610 INCUMBENT WORKER TRAINING PROGRAM - EXPAND SERVICES TO ADDITIONAL PARTICIPANTS	-	-	2,000,000	2.0	-	-	2,000,000	2.0	-	-
272	4500620 FLORIDA REBUILDS	-	-	-	-	12,000,000	-	-	12,000,000	-	12,000,000
273	5400170 RESTORE NONRECURRING CHILD CARE DEVELOPMENT BLOCK GRANT TRUST FUND	-	-	32,839,545	32.8	27,076,406	-	5,763,139	32.8	-	-
274	5401000 FUNDING FOR THE IMPLEMENTATION OF THE EARLY LEARNING INFORMATION SYSTEM (ELIS)	-	-	(6,897,000)	-	-	-	(6,897,000)	-	-	-

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue #	Issue Title	Issue #	AGENCY REQUEST FY 2006-07	GOVERNOR'S RECOMMENDATIONS				CHARMAN'S PROPOSAL FY 2006-07
				FTE RECURRING	NONRECUR- ING GENERAL REVENUE	ALL TRUST FUNDS	FTE RECURRING GENERAL REVENUE	
275	5800010 RESTORE RECURRING BASE BUDGET FUNDING EARNED IN FY 2006-06	-	5,987,700	-	1,01	-	-	275
	FOR THE EARLY LEARNING INFORMATION SYSTEM							
	The FY 2006-06, the funding for the development and implementation of the Early Learning Information System (ELIS) was provided by transferring \$5,987,700 of recurring General Revenue funds from the Agency's base budget to Section 42 of the FY 2005-06 General Appropriations Act (GAA), for ELIS. This recurring funding was included in the FY 2006-07 start-up budget in the new Qualified Expenditure Category which requires approval by the LBC before funds may be expended. The agency requests that this funding be transferred to the GIA - School Readiness Services special appropriation category in the Early Services budget entity. (See issue 5401000)							
276	5800020 INCREASE IN FUNDING TRANSFERRED FROM DEPARTMENT OF EDUCATION FOR VPK BASE STUDENT ALLOCATION	-	17,782,266	17,782,266	-	-	-	276
	Based on the Department of Education's projection, \$404,920,028 will be needed for the VPK program in FY 2006-2007. The estimate is based on the participation rate, four year old population, a 5% administrative component and other factors. The current year appropriation in DOE and transferred to AWF was \$387,137,762, a difference of \$17,782,266.							
277	5800030 ADJUSTMENT DUE TO LOWER PARTICIPATION RATE	-	-	(3,100,000)	(3,100,000)	-	-	277
	The Governor's Recommended Budget provides for an adjustment of \$3,1 million in operating budget authority to implement the Volunteer Pre-Kindergarten Program at the level of need projected by the Office of Policy and Budget in consultation with the Early Learning Coalitions.							
278	5800040 ADJUSTMENT TO VOLUNTARY PRE-KINDERGARTEN EDUCATION PROGRAM INDIRECT COSTS	-	35,873	35,873	0	0	0	278
	The Governor's Recommended Budget provides for an increase of \$35,873 in general revenue for projected departmental indirect costs associated with administration of the Voluntary Pre-Kindergarten Program.							
279	5800100 GENERAL REVENUE FOR SCHOOL READINESS TANF SHORTFALL - ADD	-	-	-	9,059,350	-	\$1	279
	The Governor's Recommended Budget provides general revenue funds for an adjustment of \$9.0 million in Temporary Assistance for Needy Families (TANF) funding based on deficit projections for Fiscal Year 2006-07. This issue in combination with \$800,220 is a fund shift from TANF to General Revenue.							
280	5800200 GENERAL REVENUE FOR SCHOOL READINESS TANF SHORTFALL - DEDUCT	-	-	-	-	(9,059,350)	(8,7)	280
	The Governor's Recommended Budget provides general revenue funds for an adjustment of \$9.0 million in Temporary Assistance for Needy Families (TANF) funding based on deficit projections for Fiscal Year 2006-07. This issue in combination with \$800,220 is a fund shift from TANF to General Revenue.							
281	5800210 TRANSFER REVENUE AND BUDGET AUTHORITY TO FUND EMPLOYEES PREVIOUSLY UNDER CONTRACT - DEDUCT	-	(644,251)	(644,251)	(644,251)	(644,251)	(644,251)	281
	Provides for the transfer of \$644,251 in recurring revenue appropriated in the Child Care Development Block Grant Trust Fund in the Grants and Aids School Readiness Services special appropriation category to the Salaries and Benefits and O&S appropriation categories in the Early Learning Services budget entity. This issue, along with issue #3301150 in the Program Support budget entity and issue #80020220, converts contractual positions to state positions allowing the agency to effectively fill the positions with qualified applicants.							

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

ITEM NUMBER	ITEM DESCRIPTION	CHAIRMAN'S PROPOSAL									
		FTE	RECURRING GENERAL REVENUE	NONRECUR- ING GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	FTE	RECURRING GENERAL REVENUE	FTE	ALL TRUST FUNDS	TOTAL REVENUE
305	PROVIDE OCCUPANCY COSTS FOR THE SUNGUIDE INTELLIGENT TRANSPORTATION SYSTEM	-	-	-	-	160,750	0.2	-	-	-	305
306	PROVIDE FUNDING FOR PAYMENT OF SURVIVOR BENEFITS TO BENEFICIARIES OF LAW ENFORCEMENT OFFICERS	-	-	-	173,985	0.2	-	-	173,985	0.2	306
307	TRANSFER FUNDING TO HIGHWAY PATROL INSURANCE TRUST FOR PAYMENT OF SURVIVOR BENEFITS	-	-	-	173,985	0.2	-	-	173,985	0.2	307
308	CENTRAL CALL CENTER - ESTABLISH 1-800 NUMBER	-	-	-	162,400	0.2	-	-	-	-	308
309	TRAFFIC LAW ENFORCEMENT OFFICER RECRUITMENT AND RETENTION PROGRAM	-	3,326,009	-	-	13	-	-	-	-	309
310	PAY ADJUSTMENT FOR FIELD OFFICE AND HEARING OFFICER PERSONNEL	-	-	-	907,238	0.9	-	-	-	-	310
311	TRANSFER OVERTIME FUNDING TO OTHER PERSONAL SERVICES	-	-	-	675,000	0.7	-	-	-	-	311
312	TRANSFER OVERTIME FUNDING FROM SALARIES AND BENEFITS	-	-	-	(675,000)	(0.7)	-	-	-	-	312
313	ENHANCE TRAFFIC LAW ENFORCEMENT - STATEWIDE	-	50,0	1,858,178	2,501,100	4.6	-	-	-	-	313
314	ENHANCED TRAFFIC LAW ENFORCEMENT FOR THE FLORIDA TURNPIKE ENTERPRISE (TROOP K)	-	10,0	-	882,600	0.1	-	-	-	-	314
315	ENHANCED TRAFFIC LAW ENFORCEMENT FOR STATE ROAD 93 - ALLIGATOR ALLEY	-	-	-	-	-	-	-	1,216,011	1.1	315

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Issue #	Issue Description	Issue Title	GOVERNOR'S RECOMMENDATIONS							CHAMBERS' PROPOSAL		
			FY 2006-07 GENERAL REVENUE	NONRECUR- ING GR	ALL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	FTE	RECURRING GENERAL REVENUE	TOTAL TRUST FUNDS	ALL TRUST FUNDS
316	3002100 PURCHASE OF DRIVER LICENSES	Provides continuation funding for the next phase of the digitized drivers license system with DigiMark ID systems. The DHS/NV estimates a slight increase in the number of licenses and ID cards issued in FY 2006-07 as compared to FY 2004-05.	-	-	101,546	0.1	-	-	101,546	0.1	-	-
317	3003A10 TRANSFER RATE & SALARY APPROPRIATIONS TO EXECUTIVE DIRECTION & SUPPORT: LICENSES, TITLES & REGULATIONS PROGRAM	Realignment of budget authority to correctly reflect actual expenditures.	-	-	119,380	0.1	-	-	119,380	0.1	-	-
318	3003A20 TRANSFER RATE & SALARY APPROPRIATIONS FROM DRIVER LICENSURE; LICENSES, TITLES & REGULATIONS PROGRAM	Realignment of budget authority to correctly reflect actual expenditures.	-	-	(119,380)	0.1	-	-	(119,380)	0.1	-	-
319	3003A30 TRANSFER RATE & SALARY APPROPRIATIONS TO EXECUTIVE DIRECTION & SUPPORT: FLORIDA HIGHWAY PATROL PROGRAM	Realignment of budget authority to correctly reflect actual expenditures.	(54,347)	-	-	0.1	-	(54,347)	-	(54,347)	0.1	-
320	3003A40 TRANSFER RATE & SALARY APPROPRIATIONS FROM HIGHWAY SAFETY, FLORIDA HIGHWAY PATROL PROGRAM	Realignment of budget authority to correctly reflect actual expenditures.	54,347	-	-	0.1	-	54,347	-	54,347	0.1	-
321	3003300 FEDERAL, STATE AND PRIVATE ENTITY GRANTS	Realignment of budget authority to correctly reflect actual expenditures.	-	-	585,715	0.6	-	-	585,715	0.6	-	-
322	3400310 FUND SHIFT FROM GENERAL REVENUE TO HIGHWAY SAFETY OPERATING TRUST FUND	The Governor's Recommended Budget provides for a fund shift of available trust fund from the HSOTF to General Revenue.	-	-	(6,000,000)	-	-	-	(6,000,000)	-	-	-
323	3400320 FUND SHIFT TO HIGHWAY SAFETY OPERATING TRUST FUND FROM GENERAL REVENUE	The Governor's Recommended Budget provides for a fund shift of available trust fund from the HSOTF to General Revenue.	-	-	-	-	-	6,000,000	6.0	-	-	-
324	34032A0 FUND SHIFT TO HIGHWAY SAFETY OPERATING TRUST FUND FROM GAS TAX COLLECTION TRUST FUND	Realignment of budget authority to correctly reflect actual expenditures.	-	-	194,350	0.2	-	-	194,350	0.2	-	-
325	34033A0 FUND SHIFT FROM GAS TAX COLLECTION TRUST FUND TO THE HIGHWAY SAFETY OPERATING TRUST FUND	Realignment of budget authority to correctly reflect actual expenditures.	-	-	(194,350)	(0.2)	-	-	(194,350)	(0.2)	-	-
326	36104C0 MOTORIST SERVICES DISK STORAGE UPGRADE	Provides funding for the purchase of additional disk storage, installation, and maintenance to support Dept. programs. Additional space is needed to support growth in data as population increases and will provide additional storage of images of driver photos and signatures, proof of identity documents and title transaction documents.	-	-	228,000	0.2	-	-	228,000	0.2	-	-

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item	House Code	Fiscal Title	GOVERNOR'S RECOMMENDATIONS FY 2006-07						CHAIRMAN'S PROPOSAL FY 2006-07		
			FTE RECURRING	NONRECUR- ING GENERAL REVENUE	ALL TRUST FUNDS	TOTAL STATE GENERAL REVENUE	FTE RECURRING	NONRECUR- ING GENERAL REVENUE	ALL TRUST FUNDS	TOTAL STATE GENERAL REVENUE	FTE
327	3612C00	WIDE AREA NETWORK INFRASTRUCTURE UPGRADE FOR THE FLORIDA HIGHWAY PATROL	-	-	1,045,029	113	-	-	864,529	113	-
328	3613C00	REFRESH LOCAL AREA NETWORK INFRASTRUCTURE	-	-	247,000	63	-	-	247,000	63	-
329	3614C00	ENHANCE INFORMATION SECURITY STRUCTURE	-	-	266,000	63	-	-	266,000	63	-
330	36301C0	STATEWIDE ONLINE DRIVER LICENSE APPLICATION SYSTEM	-	-	244,605	63	-	-	244,605	62	-
331	36308C0	PROVIDE FUNDING FOR COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS ELECTRONIC CREDENTIALING PROJECT	-	-	90,758	61	-	-	90,758	61	-
332	36309C0	UPGRADE AUTOMATED DRIVER LICENSE TESTING SYSTEMS (ADLTS)	-	-	1,000,000	13	-	-	900,000	13	-
333	36315C0	UPGRADE DRIVER LICENSE, MOTOR VEHICLE AND VESSEL INTERNET RENEWAL APPLICATION	-	-	400,000	63	-	-	400,000	63	-
334	36316C0	ENHANCEMENT OF MOTOR VEHICLE APPLICATION SYSTEMS	-	-	1,280,000	23	-	-	1,280,000	23	-
335	36313C0	TRANSFER OF FUNDS TO OPERATING CAPITAL OUTLAY FOR PURCHASE OF PHONE I/MR AND ACD APPLICATION - ADD	-	-	153,069	63	-	-	153,069	63	-

HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS COMMITTEE
FISCAL YEAR 2006-07 BUDGET ISSUES

Item #	Itemized Description	AGENCY REQUEST FY 2006-07		GOVERNOR'S RECOMMENDATIONS FY 2006-07				CHAIRMAN'S PROPOSAL FY 2006-07						
		FTE	RECURRING GENERAL REVENUE	All TRUST FUND	Total non- revenue	FTE	RECURRING GENERAL REVENUE	All TRUST FUND	Total non- revenue	FTE	RECURRING GENERAL REVENUE	All TRUST FUND	Total non- revenue	
336	5301400 TRANSFER OF FUNDS FROM EXPENSE FOR PURCHASE OF PHONE IVR AND ACD APPLICATION DEDUCT	-	-	(153,069)	(0.2)	-	-	-	(153,069)	(0.2)	-	-	-	
337	5400010 PROJECT ASPIRE SYSTEM REMEDIATION	-	1	-	-	0.0	-	-	-	-	-	-	337	
338	5900000 FCO - OFFICE SPACE	-	-	-	-	-	-	-	-	-	-	-	338	
339	058470 NEW FLORIDA HIGHWAY PATROL STATION - PINELLAS COUNTY	-	-	-	2,200,000	2.2	-	-	-	-	-	-	339	
340	058485 NEW FLORIDA HIGHWAY PATROL STATION - TALLAHASSEE, LEON COUNTY	-	-	1,540,000	-	-	-	-	-	-	-	-	340	
341	058487 NEW FLORIDA HIGHWAY PATROL STATION - BRADENTON, MANATEE COUNTY	-	-	2,985,500	-	3.0	-	-	-	-	-	-	341	
342	5900000 FCO - MAINTENANCE AND REPAIR	-	-	-	-	-	-	-	-	-	-	-	342	
343	0580002 MINOR RENOVATIONS, REPAIRS, AND IMPROVEMENTS - STATEWIDE	-	-	1,577,550	1.8	-	-	-	1,577,550	1.8	-	-	343	
344	058473 FIRE ALARM SYSTEM CODE UPGRADE, NEIL KIRKMAN BUILDING	-	-	-	279,500	-	0.3	-	279,500	0.3	-	-	344	
345	058474 NEIL KIRKMAN BUILDING - AIR CONDITIONING REPLACEMENT	-	-	1,556,700	-	1.8	-	1,556,700	-	1.8	-	-	345	
346	TOTAL DEPT OF HIGHWAY SAFETY AND MOTOR VEHICLES	5,009.0	141,355,642	10,427,296	291,374,443	4,935.0	130,341,283	1,836,200	283,853,623	4,935.0	136,169,484	-	283,854,761	346
347	COMMITTEE TOTALS - ALL AGENCIES	16,667.0	\$10,191,685	\$1,080,401	\$254,531,648	16,650.6	446,195,623	421,126,628	11,989,681,384	16,620.0	413,811,733	-	2,807,395,645	347
348													348	
349													349	